JUN 4 1975

SPECIAL CONSULTATIVE COMMITTEE ON SECURITY

Against the
subversion of
International Communism

THE MARXIST-LENINIST PROCESS IN CHILE

Study prepared by the SCCS
at its Twenty First Special Meeting
1974

General Secretariat of the Organization of American States
Washington, D.C. 20006

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FOREWORD

Pursuant to the authorization received from the Military Junta of the Government of the Republic of Chile, the Special Consultative Committee on Security resolved, in accordance with Articles 6, 7, 9 (par. 2) and 10 of its Statutes, to convene its members in the city of Santiago, Chile, beginning on February 25 of this year and to remain in session in that country for as long as necessary to determine, study, and analyze, in the light of the information at hand on the scene where the action took place, the evolution of some of the political, economic, social, and military events since the end of 1970 and up to September 11, 1973, for the purpose of complying with its mandate to advise and make recommendations in the matter of security against the subversive action of international communism, that is, any acts of aggression, subversion or others that constitute a danger to the internal security of the American Republics and the political defense of the Hemisphere, as well as the preparation of such acts.

The Special Consultative Committee on Security has been functioning uninterruptedly since 1962 pursuant to Resolution II of the Eight

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Meeting of Consultation of Foreign Ministers held at Punta del Este, Uruguay, in January 1962.

At the present time, the Committee is composed of nationals of Bolivia, Colombia, the Dominican Republic, Ecuador, Guatemala, the United States, and Uruguay.

The Statutes of organization and functioning of the Special Consultative Committee on Security was approved by the then Council of the Organization of American States on April 23, 1963.

This study is the result of information obtained through documents, government officials, and private persons and entities, in which it has been attempted to give a faithful interpretation of the events that took place in Chile up to September 11, 1973. A list of the above-mentioned persons is given below:

Doctor Gonzalo Prieto Gándara, Attorney General

Captain Claudio Collados Núñez, Under Secretary of Foreign Affairs, Ministry of Foreign Affairs

Mr. Héctor Humeres M., Controller General of the Republic

His Eminence Cardinal Raúl Silva Henríquez, Archbishop of Santiago

Brigadier General Julio Polloni Pérez, Director of Army Intelligence

Commandant Hugo Vergara

Carabinero Major Pablo Navarrete

Major Hernán Ramírez

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Major Hernán Saldes

Captain Eduardo Risopatrón, Chaplain of the Carabinero Corps

Mr. Juan José Fernández, Director of International Relations, Ministry of Foreign Affairs

Mr. José Luis Zabala, Research Manager, Central Bank of Chile

Colonel Jorge Espinoza Ulloa, Executive Secretary, National Secretariat of Prisoners

Mr. Gilberto Zárate Barrera, Superintendent of Public Education, Ministry of Education
Mr. Luis Velasco Yáñez, Technical Secretary

Commission on Constitutional Reform:
Mr. Enrique Ortúzar Escobar, President, ex-Cabinet Minister and Professor of Civil Law
Members:
Mrs. Alicia Romo Román, Chilean Representative to the International Office of Women of the United Nations and Advisor of the Bar Association
Alejandro Silva Bascuñán, Professor of Constitutional Law and President of the Bar Association
Mr. Sergio Díez Urzúa, Professor of Constitutional Law, former Senator of the Republic
Mr. Jaime Guzmán Errazuriz, Professor of Constitutional Law
Mr. Jorge Ovalle Quiróz, Professor of Constitutional Law
Mr. Enrique Evans de la Cuadra, Professor of Constitutional Law
Mr. Gustavo Lorca Rojas, Professor of Constitutional Law, former Vice President of the Chamber of Deputies
Mr. Rafael Eyzaguirre Echeverría, Lawyer and Professor of Commercial Law, Secretary of the Commission.

Colonel Francisco Cabello, President, Bureau of Industry and Commerce (DIRINCO)

Legal Adviser, Representatives of CORFO and the Central Bank

Mr. Juraj Domic, Ministry of Foreign Affairs

Mr. Juan B. Briceño, Mr. Rolando Puelma, Immigration, Ministry of Government

Mr. Andrés Zausquevich, Executive Vice President, Copper Corporation (CODELCO),
Rear Admiral Ernesto Siebert, General Manager
Mr. Gregorio Waissblutch, Business Manager

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Engineer Orlando Saenz, President of the Manufacturing Development Association (SOFOFA)

Doctor Alejandro Bascuñán, President of the Bar Association

Doctor Sergio Díez, Leader of the National Party and former Senator

Mr. Patricio Aylwin, Leader and President of the Christian Democratic Party, former Senator

Mr. Ernesto Vogel, President, Railway Workers Federation; Leader of the Railway Transport Workers Union, Leader of the Central Labor Confederation (CUT)
Mr. Núñez, Secretary, Railway Workers Federation

Mr. Guillermo Medina. Leader of the Copper Workers Union, "El Teniente" Mine

Mr. Gabriel Bustos, Secretary, Journalists Association
Mr. Humberto Candia, Counselor
Mrs. María Teresa Larraín Orrego and Mr. Tomás P. Mc Hale, Representatives of the Chilean Press

Mr. Jaime Peller Nickelsberg, General Manager, National Distribution and Marketing Enterprise (DINAC) S. A.

Mr. Alfonso Márquez de la Plata, President, National Society of Agriculture (SNA)
Mr. José Garrido, Director, Office of Agricultural Planning

Mr. Rafael Cumsille Z., President, Confederation of Retailers and Small Industrialists
Mr. Eduardo Garín Cea, Secretary General
Mr. Hernán Vergara Paredes, Executive Secretary
Mr. Sergio Garcés y Vargas, Treasurer

Mr. Moisés Guzmán Duco, President, National Register of Merchants, Small Industries and Artisans of Chile
Mr. Ricardo Dávila Basterrica, General Manager

Mr. Héctor Tobar Luci, Provincial Council, Provincial Manager
Mr. Néstor Riquelma Contreras, Secretary, Lawyer and District Attorney

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Mr. Carlos Castillo Tapia, Chairman, National Distribution Center "CENADI"

Likewise, the Committee had the honor to be received by and to exchange ideas with His Excellency, the President of the Honorable Military Government Junta of the Republic of Chile, General Augusto Pinochet Ugarte.

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INTRODUCTION

The apparently contradictory attitudes and abrupt changes that international communism adopts in the face of normal events in the nations of the free world, as well as the various circumstances in which these nations developed, can create confusion in the minds of democratic citizens who love their country.

These changes are but variable tactics of great effectiveness which, corresponding to the same strategy, serve communism in finding a better way to conquer national government, control the fields of national power, and subjugate the minds of the people.

In 1971, the Special Consultative Committee on Security published a document entitled "The Paths of International Communism in the Americas" (Doc. OEA/Ser. L/X/II. 28) in which it outlines the two principal strategies used for the conquest of world power.

By means of an overall view of the history of communism and of the various procedures used, we shall see its great adaptability to different actions--which at times constitute a true strategy within general policy--in various parts of the world. These actions are summarized as follows:

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1918-1920: The impending World Revolution.

1921-1928: Isolation for purposes of:

a. Consolidation of total power in the Soviet Union (expulsion of Trotsky and predominance of Stalin), and

b. Relative accommodation to the outside world for economic reasons.

1928-1934: Increasing militancy towards the western world (imperialists), and particularly towards non-communist leftist political parties, such as the Social Democrats.

1935-1939: Organization of Popular Fronts. (Beginning with France in Europe and Chile in America).

1939-1940: Readjustment and neutrality. (The Russo-German Pact).

1941-1945: Entry into the "anti-Fascist" war. (Following the German invasion).

1946-1954: Anti-imperialist campaign (cold war period).

1955: Readjustment (Austrian Peace Treaty).

1956: Policy of "peaceful coexistence."

"Peaceful coexistence" is undoubtedly the most effective of the strategies used by communism up to the present.

The following information published in the December 6, 1963 edition of the newspaper Pravda shows that "peaceful coexistence" was always an important communist strategy, and not a mere tactical action. According to Pravda:

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"Marxist-Leninists do not regard the policy of peaceful coexistence as a maneuver for a limited period of time, but as a strategic line for the entire period of transition from capitalism to socialism on a world scale."

"To accept battle when it is obviously to the advantage of the enemy and not to us is a crime; and those political leaders of the revolutionary class who are unable to strike, maneuver or compromise in order to avoid an obviously disadvantageous battle, are useless." (V. I. Lenin)

In general, the tactics of "peaceful coexistence" have been the following:

a. General peace at all costs ... until sufficient strength is reached.

   This takes into account that:

   -- Gaining time is essential for conquering the will of the people;

   -- The phrase "Better Red than Dead" is important in the psychological campaign.

b. World disarmament.

   Economic and military weakness should be compensated by tactics of deceit.

c. Compromising and gaining access to the free world through trade with the western countries. The principal advantages to communism are:

   -- Obtaining articles from industrialized countries which the Soviet bloc produces in limited quantities.

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-- Penetrating into vital areas of the free world from which it can control the supply of strategic materials.

-- Dominating developing countries in order to place them under its control.

d. Infiltrating the vital activities of each nation. The most profitable areas for infiltration are:

-- The powers of the State: legislative, judicial and executive (including the Armed Forces and the Police);

-- Communications media such as radio, television, motion pictures, the theater, newspapers and magazines, the arts in general, etc.;

-- Elementary, intermediate, higher and technical education (public and private);

-- Religious organizations.

e. Promoting atheism or communism as a religion.

f. Destroying the concept of the family.

g. Instigating disrespect for law and order.

h. Disparaging national heroes and creating new ones.

i. Disparaging the Armed Forces and the Police.

j. Infiltrating and destroying any anti-communist movement.

The subversive (violent) path spoken of in the previously mentioned publication of the Special Consultative Committee on Security is another tactic of international communism.

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Rural and urban guerrilla warfare has been used extensively in some countries of the Americas.

In the military concept, guerrilla warfare is a bloody game of ambush, surprise, deceit and blackmail; whereas in the political sense, it is a revolutionary method which can create a psychosis in the masses causing them to make desperate decisions, such as fleeing the country, selling their property on unfavorable terms, the migration of farm workers to the cities, etc.

In this study, the Special Consultative Committee on Security will show how the tactics of "peaceful coexistence" were applied to a greater or lesser degree in the Republic of Chile.

However, we must qualify this by saying that we only partially analyze the different "aspects" contained in the Table of Contents since, as will be seen, for example the "Social Aspects" or the "Political Aspects", etc., actually cover a broader range within these fields. But for reason of time, we have limited ourselves to those which are outstanding in our judgment for their effect on Chilean life.

A new "ingredient" or "successful procedure" for Marxism-Leninism appeared in the political process of this important American Republic, i. e. it was the first time that a Marxist candidate obtained a greater number of votes in popular elections than other candidates of

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democratic political persuasion. In that result we see how a people, religious, trusting, freedom-loving, respectful of institutions, and of a demonstrated democratic nature, let itself be caught unawares by the snares of extremism, let itself be divided and placed its government under the control of a leader who responded to dogmas and instructions from abroad, contrary to its beliefs, tradition and aspirations.

In this study we can see what aspects the Marxist-Leninists considered most important, such as the educational system, which was subject to vigorous ideological penetration. Political agents without teaching experience were appointed to carry out duties requiring specialists in education, and purely Marxist working methods were used, culminating in the introduction of the system called the Unified National School (ENU), which covered all levels of education.

We can also judge the irregular procedure used by officials at that time to try to impose the above-mentioned system. That procedure consisted primarily in the self-seeking application of foreign methods such as the "Psychosocial Method", by means of which it was hoped to reach the primary goal of raising political consciousness of Marxism-Leninism.

Drugs also aroused the interest of officials of the Unidad Popular (UP) [Popular Unity] régime not because Chile represented a good market for them, but because their export produced good returns.

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Although the authorities did jail some violators, nevertheless the clandestine production and exportation of drugs was permitted.

Although it is true that there were no direct and open attacks against the free expression of thought, indirect efforts were made, by means of financial pressure, against newspapers, magazines, radio and television stations which opposed the régime, causing some to close.

Moreover, the coercion and take-over of such enterprises was carried out by means of political agitation on the part of the workers, as in the case of the newspaper El Clarín, which in the end was brought under State control and converted into a means of spreading Marxist-Leninist doctrine. The same procedure was used against the privately-owned publishing house, ZIG-ZAG. 1/

With regard to immigration, it can be seen that foreigners adhering to the ideas held by the government entered the country surreptitiously to make up the large number of guerrillas pursued in other countries who entered Chile in this way to evade justice. This can also be appreciated by noting how, in what numbers, and in what countries they later were given asylum.

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1. See Annex 1 (Page 49 of the book El Frente de la Libertad de Expresión).

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As for trade and labor unionism, reference is made to the fraud perpetrated against the labor sector inasmuch as the pact between the Unidad Popular (UP) régime and the Central Unica de Trabajadores (CUT) /Federation of Labor Unions/ was not carried out.

Insofar as economics is concerned, in the first place we note how the government, in trying to finance a hard-fought program with the resources at hand, paid for public expenditures by issuing paper money, bringing the country to a level of inflation never before seen in the world, thereby producing a black market in currency and basic commodities which constituted a true scourge for the nation. In the second place, we note how the system of state capitalism promoted by Mr. Allende became a system of all-powerful government whose goal was to control the majority of businesses and especially the national economy.

Regarding politics, we shall consider how, with little more than one third of the vote (36.2%), Mr. Allende rose to the Presidency of the nation.

It will be seen that Mr. Allende's violations of the Constitution and the law were of such magnitude that a bill was presented in the National Congress to impeach him, in addition to numerous statements from institutions of the highest level such as the Supreme Court of Justice and the Office of the Comptroller General of the Republic.

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Undoubtedly, a government with a cabinet made up of officials who, although of the same ideology, were strongly sectarian politically, generated much friction, division and suspicion; even more so when trying to put into effect a new system such as the "Path to Socialism" which, despite the expertness attributed to Mr. Allende in the handling of high-level persons, had the country practically paralyzed for lack of proper leadership.

With regard to the foreign affairs aspect, diplomatic envoys from communist countries enjoyed great privileges during the Presidency of Mr. Allende, and the Ministry of Foreign Affairs was shackled because of the new policy of making parallel political appointments within the country and abroad which restricted the activities of career officials who were not in agreement with the Unidad Popular (UP) administration.

The presence of paramilitary groups in the countryside and in the cities is also brought out in the chapter entitled "Political Aspects." At least two partiesof the ruling coalition had troops of their own, and the armed guard for the protection of the President was also considered a paramilitary group. All of them caused enormous personal and material damage to the nation.

Because of their importance, the guerrillas and their indoctrination deserve a separate section in the above-mentioned chapter. The guerrillas

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Farms were systematically assaulted and devastated by the Revolutionary Leftist Movement (MIR) and its subsidiary the Revolutionary Farm Workers Movement (MCR).

[Sign] JORGE FERNANDEZ CAMP, REVOLUTIONARY FARM WORKERS MOVEMENT LAND OR _____

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were the primary instigators of the violence supported by various sectors of the Unidad Popular, which relied on it in some cases as the only means for definitively taking over total political power.

In considering the military aspect, we relate the cunning brought into play by the Unidad Popular administration to compromise politically the Armed Forces and the Carabineros which, given their high moral sense and their acumen, succeeded in not falling victim to the stratagem to penetrate, divide, and discredit them before the people.

During the Unidad Popular government, what had been extraordinary throughout the history of the Republic of Chile became routine, such as Cabinet Ministers being forced to leave office by order of Congress, upon proof that they had violated the Constitution. Seven Ministers were removed from office from January 22, 1972 to July 19, 1973, in which cases President Allende mocked the law by removing them from office and immediately thereafter naming them to other positions of equal rank.

Disrespect for law and order reached such an extreme that the Supreme Court of Justice, in a resolution of May 26, 1973, informed the President of the Republic that there existed "not only a crisis in the legal system but a peremptory or imminent collapse of the country's legal structure."

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EXPOSITION

I. SOCIAL ASPECTS

A. Education

The educational system in Chile throughout its republican life has been the subject of periodic revision by specialists in that field in order to incorporate new disciplines and/or textbooks.

In 1967 quite an extensive revision was made in accordance with the new methods existing in the most advanced countries in the field of education.

One of the characteristics of the new educational system was to give the teacher the opportunity to assign the reading of certain works that the curriculum did not specifically contemplate; the Marxist teachers of philosophy of the Third and Fourth grades of the intermediate level of education took advantage of this opportunity to use only the works of Herbert Marcuse and Karl Marx, or any others of like nature or character, thus distorting the proposed objectives inasmuch as many of the students did not know about Plato, Socrates, and others who represent the Greco-Roman culture and the rest of western culture of which great intellectual figures of our Americas and of the world are the exponents.

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During the Unidad Popular régime education was subjected to more intensive and extensive ideological infiltration by means of propaganda slogans, textbooks, curricula, political agents in educational positions, as well as working methods of a distinctly Marxist character.

In the social sciences, texts such as: Toward a Socialist Society, and The Negative Aspects of a Capitalistic Society were used, thus causing many bookstores in Chile to specialize in Marxist works, which they sold at very low prices.

Many teachers of Spanish emphasized the book One Hundred Years of Solitude by Gabriel García Márquez, but selected in their syllabus only that scene in which some workers of a banana company were killed, citing it as an example of the "exploitation of the worker by capitalism."

The teachers constantly praised the economy of the Marxist countries and criticized the others.

The Agrarian Reform Law was cited in the classes in Chilean Geography in the textbook of which it was pointed out that "the land should be handed over to the farm workers that work it." Criticism was expressed in the following terms:

> "The most controversial problem has been that of the future ownership of the farms. The law establishes that they shall be assigned to the farm workers individually; thus there is an individualistic tendency which calls for the absolute and individual ownership of the farms, and on the other hand there is the tendency not to accept the arbitrary acts of individuals or of a generation but to assert that the land must fulfill a social function."

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This policy of ideological infiltration culminated in the institution by the Ministry of Education of a new system called the Unified National School (ENU) including all levels of education, from basic education (including nursery schools from birth on) to the intermediate and university levels, including the training of specialists in education, this last link being of the utmost importance to the Marxist plans.

The Chilean Constitution in its Article 10, paragraph 7, establishes that:

> "Education is a primary function of the State, and it is accomplished by means of a national system */ of which the official and cooperating private educational institutions form part, in conformance with the plans and programs established by the educational authorities."

These concepts were amplified by point 5 of the Statute of Constitutional Guarantees signed by President Allende, which set forth, with respect to education, that "it would be independent of any official ideological orientation."

On the basis of the expression "national system", the Unidad Popular government decided to establish a completely new educational system, that is, the Unified National School.

In 1971, the Institute of Pedagogical Research of the Ministry of Education, in a report submitted to the Minister of Education entitled Compilation of Works on Education (Some features that might be considered by the New Society), 1971, stated that:

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*. All emphasis in this study is supplied by the Special Consultative Committee on Security.

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"1.3 Socialism as a system of social organization not only defends the fundamental political rights but also the economic, social, and human rights, including among others: the right to happiness, the right to freedom of expression, etc."

"1.7 Socialism is opposed to all types of totalitarianism because it denies freedom of expression and offends human dignity."

In December 1972, the Office of the Superintendent of Education submitted a report on the Unified National School system, in page 4 of which it stated:

"1.3.1 The Strategy of National Development. The people of Chile propose to reform national education substantially in view of the decline of the capitalistic society, which it has served up to now. The great task consists in building on the following bases an educational system that will contribute, within the framework of democracy and pluralism, to the construction of a socialist society.

a. .....

b. .....

c. The authentically humanistic and revolutionary character of the socialist community that we wish to build, which cannot stop at mere economic and social gain without going on to create a New Man who can overcome the deformations imposed by the class society.

d. The positive conditions that only a socialist revolution produces for authentic educational reform, by virtue of the planned development of the economy, the true democratization of society, the freedom from dependence, and the creation of a solidary morality."

The instrument for promoting the Unified National School system was called the "National Debate on Education", which began at the regional

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level and concluded at the national level with an excessive investment in all the means of propaganda. The indebtedness thus incurred is still being paid off by the Ministry of Education.

The debate that the Ministry considered final did not take place in the democratic form that everyone had expected, that is to say that each participant could freely express his points of view, since the conclusions proposed by the government were practically imposed because of the supremacy exercized by the Marxists in the National Congress of Education.

The government, through the Ministry of Education, used four procedures to impose its criterion unilaterally:

The first was the creation of bodies and other dependent agencies to operate parallel to the already existing ones, which the government used to conduct in secrecy all the activities that it wished to conceal until a predetermined time. The subject matter of the pamphlet entitled "First Contribution of the Ministry of Education in Meeting its Obligations" was the same and followed the same order as the resolutions approved in the National Congress of Education held in September 1971.

The second consisted in the Ministry submitting the above-mentioned "First Contribution" without giving sufficient time even for it to be read, much less for analyzing and discussing it, in such a highly important matter as the establishment of a completely new and very complex educational system.

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The third was the preparation of Rules of Procedure for the Congress of Education, which did not permit making changes in the results because of the form governing debate. The Marxists relied on the majority that ensured them victory, for which they made use of the Federation of Educational Workers (SUTE) including teachers, parateaching personnel, and auxiliary personnel, all with the right to vote. This organization (SUTE) was controlled by Marxists to such an extent that they imposed their decisions in everything connected with preparing the programs, selecting textbooks, appointing the educational personnel at all levels, and of course they directed the educational workers' labor union.

The fourth and last procedure, to ensure the majority, consisted in using the Unidad Popular Committees (CUP) in the secondary schools to select known Marxists to assist the National Congress of Education, to the natural exclusion of non-Marxists.

After the Unidad Popular government came into power all the written propaganda that the régime directed at education, as well as the new school textbooks, were printed by the National Publishing Company QUIMANTU, Ltd.

Let us analyze two of the textbooks prepared by the Unidad Popular régime in 1971 and 1972. The first is Second-Year Mathematics for the Basic Level and the second Suggestions for Increasing Literacy.

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In the Second-Year Mathematics for the Basic Level -- which corresponds to primary or elementary education in other countries -- Marxist political consciousness-raising was just as obvious as in the textbook for adults entitled Suggestions for Increasing Literacy, consisting of a program of the Ministry for the education of the workers, which we shall see below.

For example, on page 11 of Second-Year Mathematics for the Basic Level 2/ we read: "If you want to know how many horses you would have between your farm worker comrade and you, add together those belonging to each of you."

The term "comrade" was used to identify the supporters of the Unidad Popular administration, which served as a basis for dividing Chilean society into two well-defined ideological sectors while continuing to attract these very young children into one of the said sectors.

The textbook Suggestions for Increasing Literacy, to which we referred previously, was intended both for farm workers and for factory workers.*/ This text is a self-serving adaptation of the Psychosocial Method of the Brazilian sociologist Professor Paulo Freire, with an

2. See Second-Year Mathematics for the Basic Level by Horta Villarroel, Special Edition of the National Publishing Company QUIMANTU, Ltd. for the Ministry of Education.

*. Those that formed the so-called "Industrial Belts."

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explanatory foreword by the Marxists Emma Espina Reyes, Sergio Arévalo Vilugrón, Arnulfo Kubilar Sequel, and Nelson Severino Mauna, which states in part:

> "The Unidad Popular government, presided over by Comrade Salvador Allende, in order to open up the path to socialism is replacing the purely formal democracy that existed in our country in the past by a true democracy, in which the various segments of the population contribute toward determining the way to resolve the problems of the country. The people are increasingly participating in the exercise of political power and the workers are striving to build a new nation. The coal miners, the textile workers of Tomé, the workers of the Purina company, etc. are increasing production 3/ because they are conscious of their responsibility to strengthen the economy, now in the service of Chile and the Chileans."

In the above-mentioned Psychosocial Method, motivation and thought are used for the process of learning to read and write, with the codification of words selected from common usage in order to structure a lesson with a predetermined objective, which is twofold in the case of the Unidad Popular government: the first, and primary one, is the raising of political consciousness to the Unidad Popular régime with its proposed goals, attracting the mind toward Marxism-Leninism; and the other --consequence of the first and thus secondary -- is literacy.

We shall see some examples of the objectives pursued in the photostatic reproduction of the text Suggestions for Increasing Literacy, with emphasis supplied by the Special Consultative Committee on Security.

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3. See Economic Aspects, page No. 93 [p. 95 of Spanish text].

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Second Unit:

MAN REDUCED TO THE NATURE OF A THING

D

OBJECTIVE:

Understanding the fact that man puts animals and the forces of nature to work for him.

PROCEDURE:

Observe the picture and deduce from it why the animals in it are working. Think about what other elements of nature man uses for his own benefit.

E

OBJECTIVE:

Understanding the fact that the man who works for others is reduced to a mere thing.

PROCEDURE:

Observe the picture and comment on what the man who is standing is doing while the others are working. Compare the work of those men with that of animals.

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F

OBJECTIVE:

Understanding the fact that the worker is obliged to work for others, to sell his manhood in order to be able to subsist.

PROCEDURE:

Observe and describe the picture. Deduce from it what the man and his wife are doing here and how they have obtained the money with which they pay for what they buy. Think about what would happen to them if they refused to work for wages.

Third Unit:

SOCIAL LIBERATION

G

OBJECTIVE:

Understanding that the people can change society.

PROCEDURE:

Observe and interpret the picture. Think about the power of the people when organized, and about whether a society in which a few can exploit the majority is just or unjust and what must be done so that all men can work for their own benefit.

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WORK WITH CODIFICATION

MILK

1. REFLECTION:

1.1 Objectives of reflection:

a. Understanding the problems of malnutrition of Chilean children and its causes.

b. Learning about the policy of the government to solve the above-mentioned problem.

c. Conscious and active participation of the community in solving the problem of malnutrition.

SUGGESTED ACTIVITIES	SUGGESTED METHODS
1. Observe the codification	- Observation must be zealous.
2. Interpret the observed situation	- The Coordinator must be patient and wait for each participant to say everything he considers necessary about the sociological situation.
3. State the problems of the situation	- Basing himself on what the participants state are the problems, the Coordinator can proceed to ask questions about the situation.
4. Analyze the problems that arise, determining their causes, the way to solve them and to participate in them.	- If the Coordinator considers it advisable, at any moment of the analysis of the problems, he can contribute some information or data taken, for example, from the government program, from speeches by government representatives or by the adversaries of the press, taking care that the group understands the language used.
5. Synthesize the conclusions.	

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CODIFICATION:

HOUSE

1. OBJECTIVES:

1.1 - Of reflection:

a. Learning about the housing problem and the causes that led to the creation of shanty-towns in Chile.

b. Understanding the social consequences of the existence of shanty-towns for their inhabitants and for the country.

c. Analysis of the housing policy of the bourgeois governments.

d. Participation of the people in the solution of the housing problem.

e. Learning about the housing policy of the U. P. government.

1.2 Of reading and writing:

- Learning to read and write words and sentences containing the letters "c" (strong) and "s" in a simple direct syllable.

2. - Suggestion of subjects for reflection:

2.1 - Shanty-towns as the expression of the lack of sensitivity and incapacity of a minority class that exercised the economic and political power in Chile.

2.2. - Population problems and the government's policy for their solution.

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CODIFICATION:

SHIRT

1. OBJECTIVES:

1.1 - Of reflection:

a. Analysis of the importance of the shirt in the clothing of the people.

b. Understanding the right that every man has to satisfy his clothing needs with dignity and decency.

c. Learning about the monopolies of production and distribution and how they operate.

1.2 - Of reading and writing:

- Learning to read and write words and sentences with the letters "c" (strong), "m", and "s" in a simple direct syllable.

2. SUGGESTION OF SUBJECTS FOR REFLECTION:

2.1 - The role played by the shirt in the clothing of our people.

2.2 - Clothing and its relationship to climate and work.

2.3 - The problems that confront a proletarian family in obtaining clothing.

2.4 - The production of clothing in Chile and the monopolies that control it.

2.5 - The new policy of clothing production and supply.

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CODIFICATION:

TELEPHONE

1. OBJECTIVES:

1.1 - Of reflection:

a. Analysis of the role of the telephone, especially in communities far from services and from centers of assistance.

b. Understanding the power and influence of mass communications media.

c. Learning about the national monopolies that control the mass communications media.

d. Appraisal of the measures taken by the U. P. for democratizing the mass communications media.

1.2 - Of reading and writing:

- Learning how to read and write words and sentences containing the letters "t", "f", "n" in a simple direct syllable.

2. SUGGESTION OF SUBJECTS FOR REFLECTION:

2.1 - The telephone and communications.

2.2 - Democratization of the use of the telephone.

2.3 - The telephone and its role in urban and rural communities, far from services and centers of assistance.

2.4 - The communications media in Chile controlled by and in the service of the minority.

2.5 - The role of the mass communications media in the new society.

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CODIFICATION:

COMRADE

1. OBJECTIVES;

1.1 - Of reflection:

a. Understanding the meaning of the word "comrade".

b. Analysis of why the word "comrade" is one of the symbols of the unity of the Chilean people.

c. Participation of the Chilean people in the implementation of the plans of the government.

d. Raising the value of human dignity, solidarity, and fraternity as a basis for people living together.

1.2 - Of reading and writing:

- Learning to read and write words and sentences containing the letters "p", "ñ", and "r" in a simple direct syllable and the letter "c" in a complex syllable.

2. SUGGESTION OF SUBJECTS FOR REFLECTION:

2.1 - Meaning of the word "comrade".

2.2 - The word "comrade", symbol of the struggle for a new concept of life.

2.3 - Respect for human dignity is an attribute inherent in every comrade.

2.4 - Individualism in work, in social relations, and in common tasks is a barrier to the collective welfare.

2.5 - The plans of the government require the understanding, solidarity, participation, and work of all Chileans.

2.6 - Solidarity and fraternity as the basis for people living together.

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CODIFICATION

LABOR UNION

1. OBJECTIVES:

1.1 - Of reflection:

a. Understanding the role played by the labor unions and the Central Unida de Trabajadores (CUT) [Federation of Labor Unions].

b. Learning about some of the legal provisions concerning the organization and functioning of a labor union.

c. Analysis of the meaning of labor union education.

d. Analysis of labor union parallelism and its dangers.

e. Participation of worker organizations in the building of a socialist society.

1.2 - Of reading and writing:

- Learning to read and write words and sentences containing the letters "d", "c", and "t" in a simple direct syllable and "s" in a complex syllable.

2. SUGGESTION OF SUBJECTS FOR REFLECTION:

2.1 - The role of labor unions in a changing society.

2.2 - Chilean labor union legislation.

2.3 - Labor union education.

2.4 - Labor union parallelism and its dangers.

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CODIFICATION

WAGES

1. OBJECTIVES:

1.1 - Of reflection:

a. Understanding the concept of wages in a capitalistic society and in a socialist system.

b. Learning about the wage policy of the U. P. government.

1.2 - Of reading and writing:

- Reinforcement of the ability to read and write words and sentences containing the letters "s" and "l" in a simple direct syllable and learning to read and write words and/or sentences containing the letter "r" with a diphthong.

2. SUGGESTION OF SUBJECTS FOR REFLECTION:

2.1 - Wages, inflation and readjustments.

2.2 - Fair remuneration which permits satisfying the basic needs of a man and his family.

2.3 - The concept of wages in a capitalistic society.

2.4 - The wage policy of the Popular Government.

2.5 - The CUT and the participation of organized workers in determining salaries and wages.

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CODIFICATION:

EDUCATION

1. OBJECTIVES:

1.1 - Of reflection:

a. Knowledge of the predominant values in a capitalistic society.

b. Understanding the values postulated for a socialist society.

c. Analysis of the function of education in a process of changing values and in a socialist society.

d. Understanding the relationship that must exist between education and development.

1.2 - Of reading and writing:

- Reinforce the ability to read and write words containing the letters "d" and "c" (strong) in a direct syllable and "c" (soft) with a complex diphthong.

2. SUGGESTION OF SUBJECTS FOR REFLECTION:

2.1 - The predominant values in a capitalistic system.

2.2 - Education in the service of a dominant class.

2.3 - The full development of a society requires permanent education for the people.

2.4 - The building of a new society requires the participation of the entire national community in the tasks of education.

2.5 - Education in a socialist society.

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CODIFICATION:

LAND

1. OBJECTIVES:

1.1 - Of reflection:

a. Understanding the importance of implementing the Agrarian Reform for the development of the country and for the farm workers in particular.

b. Learning about the agrarian policy of the Unidad Popular government.

1.2 - Of reading and writing:

- Reinforcement of the ability to read and write words and sentences containing the letter "t" in a syllable with a diphthong and the letters "rr" in a simple direct syllable.

2. SUGGESTION OF SUBJECTS FOR REFLECTION:

2.1 - The Agrarian Reform, a means of turning over the land to those who work it.

2.2 - Responsibility of the farm workers to produce more and better.

2.3 - Need for farm workers to gain the skills required to produce more and better.

2.4 - Desirability of using better methods, seeds and equipment in working the land.

2.5 - The Agrarian Reform, a basic pillar of the Chilean economy.

2.6 - Laws and benefits favoring the owners of small and medium-size rural property holdings not subject to the Agrarian Reform (bank credit, timely technical assistance, marketing, (etc.).

2.7 - Specific laws affecting agricultural workers (family allotment, 8-hour work day, period of the work contract, minimum wages, payment of agricultural wages for days not worked because of weather conditions, farm workers' union activities, etc.).

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The magazine RAMONA No. 13,
January 25, 1972, page 10

NEW DEMOCRACY EVENING SEMINARS

Last week a short evening seminar was held by communist youths in the Conference Room of the National Library in Santiago.

The Seminar, held in homage to the 50th anniversary of the Communist Party, consisted of three lectures: "The History of the Communist Party", given by Juan Vargas Puebla; "Leninism and the Victory of the People", by Alfredo Olivares; and "The Present Responsibility of the Communists", by Volodia Teitelboim, which concluded the Seminar.

On Tuesday, Wednesday, and Thursday, the Library was filled with a public passionately interested in hearing about, and discussing these subjects. This was the forerunner of the political discussion and education seminars which will be held in villages and towns and which constitute the germ of a new form of Democracy, which will incorporate the participation and decision of all Chileans who up to now have remained on the fringes of society.

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Traditionally, not only in Chile but in all countries which struggle to raise the cultural level of the population, the educational programs or plans are elaborated by specialists in education. However, after the Unidad Popular (UP) régime came into power in 1970 the Unified National School (ENU) plans appeared, as has been seen, in the preparation of which a major role was played by the CUT [Federation of Labor Unions] with the actual power in the deciding bodies with respect to certain educational measures; the CUT sought thereby to achieve the ideological penetration of education, rather than conscious solutions to pedagogical problems, since the great majority of the representatives were workers who had not completed their elementary education.

The University of Chile made an agreement with the Federation of Labor Unions (CUT) which established certain special quotas which permitted the entry of its members without meeting the normal requirements such as: minimum grade for selection purposes, waiving the entrance examinations, etc.

This agreement resulted in the appearance after a few weeks--the normal period is three years--of aides to teachers of young children who did not meet the minimum requirements, since most of them had not completed their elementary education. This makes it permissible to assume that they were deficient in their teaching, on the one hand, and, on the other, that they constituted a valuable instrument--for the Marxists--in the political consciousness-raising of a schoolchild of tender age.

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The educational crisis reached such an extreme that students of various ages did not attend classes and, instead, devoted their time to provoking street disturbances such as the scene in this photograph.

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Large segments of the population were opposed to the establishment of the Unified National School, not because education would be unified but because of the dark designs it concealed, for it went beyond mere education. It succeeded in affecting something so spiritual as maternal care, especially that of young children, that it helped to unify formerly divergent and inconsistent criteria, that is to say, of many people including the most humble. The military institutes which in all the democratic nations have the right to educate their contingents as they see fit--as is natural and very logical--did not escape this system.

The Unified National School system was designed to go into operation in March 1973 at the beginning of the school year; but it was not possible for two reasons: the opposition of large segments of the population including the Armed Forces, the Carabineros, and the Church, which had already become aware of the purposes actually pursued by the system, owing to the abundant and heated debate it had aroused, and because of the withdrawal of students from the public schools by their parents, who enrolled them in private schools, as a means--extremely costly for many parents--of having their children escape the student disturbances organized by professional agitators and the Marxist consciousness-raising.

This innovation created the greatest crisis on the university level inasmuch as university student activities were practically paralyzed during 1973.

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Some private and parochial secondary schools had their problems because Marxism reached them through some members of the organization called "Christians for Socialism." And it is thus that some priests abandoned their religious practices and became "Social Redeemers", going to the extreme of organizing and heading student processions and demonstrations in favor of the Unidad Popular régime and/or member parties, as well as appearing as professors in selected areas, because of their Marxist ideas.

B. Drugs in Chile beginning in 1970

In the course of the procedure used by the Unidad Popular government in Chile to achieve its objective of socialization of the country, certain events occurred in connection with drug production and traffic, for which reason this study is contemplating that aspect.

In Chile, the drug problem had, in general, four aspects:

Raw material and its source;
Processing or production;
Distribution or sale; and
Control.

The country itself is not a producer of raw material (except for hemp from which marijuana is derived) for the processing of drugs (narcotics) such as the derivatives of opium (morphine and heroin), LSD, and cocaine hydrochloride. The last of those mentioned is made from the leaf of the coca plant of the Erythroxilaceae family originating in the neighboring countries of Argentina, Bolivia, and Peru.

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The high price of cocaine resulted in only 10% of the Chilean production being used inside the country; the remainder, or 90%, was exported, with the corresponding profits for the clandestine processors and traffickers.

Up to 1969, Chilean users of drugs consisted of only some persons belonging to the world of the arts and youth from the upper socioeconomic levels; later on, in 1972, individuals from less affluent families began using drugs.

The measures used by the Chilean authorities for controlling and eliminating this problem, as in other countries, were adopted by legislative means, with the assistance of the administrative authorities.

The factors that contributed to the lack of effective control of the entry of the raw material, its processing and its subsequent distribution, as well as the lack of effective control of all the traffickers and users, are as follows: (a) such narcotics are useful in medicine, and consequently their processing and use are necessary; (b) Chile has very extensive land as well as maritime borders; and (c) the clandestine nature of distribution and use.

Although control of the entry, processing, and distribution of the raw materials for drugs, as well as the control of traffickers and users

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continued during the Unidad Popular administration, there is evidence that the drug sector was taken advantage of by the said administration in order to make profits which were eventually used for the purchase of armaments from abroad.

Repeatedly, the authorities were forced to act when Interpol exposed the evidence. Such was the case of the laboratory discovered in a shack in the vicinity of Algarrobo where, it was estimated, at least 100 kilograms a year were processed with the equipment it possessed.

The obstruction of the work of the police by high officials became evident when, on the few occasions when the police were allowed to investigate and bring suspects before the courts, only one or two persons appeared and were then set free in a short time.

Drug traffickers have existed in Chile since time immemorial but their increase during the Unidad Popular administration was so alarming as seen from abroad that the United States authorities increased their surveillance of Chileans in its territory and succeeded in arresting veritable groups of drug traffickers. It is sufficient to mention the arrest of the Chilean citizens Adriana Burgos, who was caught transporting two kilos of cocaine hydrochloride while pretending to be pregnant, and María Isabel Jarmane, who was found in possession of 5 kilos in a false-bottomed suitcase. The latter confessed that she had become a Mafia courier, not

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only for the money she would have earned but also because "many North American imperialists" would be drugged with the cocaine.

The following facts tend to confirm this situation:

(a) The increase, substantiated statistically, in local drug use up to 1972, reached as a result of a decrease in the price of cocaine by means of a 4% reduction in the purity of the product.

(b) The number of clandestine laboratories (stationary and mobile) discovered.

(c) The promulgation, in May 1973, of Drug Control Law No. 17, 934, passed because of legislative pressure in the face of increasing drug use, but which in the final analysis was ineffective because of the lack of corresponding regulations, which it was up to the Executive to issue and which were to specify what substances would be considered narcotics and which of them would be qualified as dangerous to process and distribute, as follows:

> "Article 1. Those who, in violation of the legal or regulatory prohibitions or restrictions, process, manufacture, prepare or extract narcotic substances from those which the corresponding regulations regard as producing serious toxic effects or causing substantial damage to the public health, shall be punished by imprisonment in a penitentiary for a minimum or medium term and a fine of ten to 100 times their annual wages.
>
> .....
>
> "Regulations to be issued by the President of the Republic shall determine, for all legal purposes, what substances are to

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be regarded as narcotics and shall specify which of them produce serious toxic effects or cause substantial damage to the public health. Such regulations may be subject to additions or amendments by the President of the Republic; but the additions or amendments shall enter into force only 60 days after they are published in the Diario Oficial [Official Journal]."

Those Regulations were never issued.

(d) The notorious case of Oscar Squella Avendaño, pilot and personal friend of Mr. Allende, arrested in Miami with approximately 203 pounds of cocaine and who, subsequently, was the subject of negotiations involving the exchange of Mr. Squella Avendaño for various U. S. hijackers of planes that reached Cuba. (See Annex 2)

Direct connection between drug traffickers and Marxist agents

Marxist officials concealed the traffic in drugs. It has been reported that certain Marxist agents, principally former Chiefs of the Civil Police, received substantial sums of money for giving a free hand to drug traffickers and breaking the connection with Interpol, to the extent of causing Chile to become a debtor of Interpol, since the contributions corresponding to the years 1970, 1971, 1972, and 1973 were not paid, thus leaving Chile in a marginal position owing to those irregularities.

Chile was turned into a covert channel for the free traffic in cocaine and other drugs, and an open channel for the entry and circulation of counterfeit currencies.

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There is information that the drugs seized as a result of much effort by international agencies are only a portion of what was produced in Chile, cases having been revealed in which former Civil Police Chiefs of the highest rank not only did not cooperate with Interpol in the eradication of drug trafficking but, on the contrary, refused to give information requested by Interpol. A concrete case was that of the arrest, on May 20, 1971, of the brother of the former Director of the newspaper Puro Chile, Professor Ivan Boric Pastenes, who had carried "10 kilos of cocaine" to Mexico. Immediately after the arrests, the Marxist Director of Investigations, Eduardo Paredes, ordered that no information concerning the trafficker was to be given to Interpol in Mexico, and that he was not to be reported to the Dental Association to which he belonged.

A similar case occurred on June 29, 1972, when "9 kilos of cocaine" were seized in Buenos Aires. The person accused of the operation was the Argentine Juan José Osorio, who had arrived from Chile. No information was given by the Chilean authorities to Interpol on this occasion either, and instead of being detained Osorio was allowed to go free. Another case that can be cited is that of the M. S. Carmen on which a cargo of "25 kilos of cocaine" was discovered, which was to be taken out of the country. On the express instructions of former Police Chief Alfredo Joignant, no other information on this case was allowed to be given to Interpol. The main person involved was José Cyarzo, who was never arrested, appearing voluntarily before the Courts months later.

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Marxist officials took particular care in hiring persons in whom they had complete confidence and who, motivated by their political ideals, were faithful collaborators, actively participating as accomplices in the drug traffic. Such is the case of the organization under the Office of the Director General of Customs, which was created not to control the drug traffic but to intercede in favor of it, a fact that was fully established after September 11, the preliminary investigation having been brought to a close immediately because it was inoperative. It should be pointed out that in the Office of the Director of Investigations and in the Alien Status Section there were also prominent persons skilfully camouflaged in the service of the traffickers.

The drug traffic exceeded all hopes, since it became possible to exchange 2 kilos of cocaine for one kilo of heroin, an exchange which was made in Buenos Aires and Mexico.

In Mexico City, on numerous occasions, the authorities seized or confiscated cocaine hydrochloride coming from Chile and were particularly successful in arresting the couriers who were generally members of gangs travelling to that country for the purpose of delivering or selling the drug or else en route to the United States.

Beginning on September 11, 1973, the authorities have dealt thoroughly with the problem of drug traffic and use, taking energetic measures against the persons who participated in it directly or indirectly,

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which resulted in considerably reducing drug processing, trafficking and use. Many drug traffickers decided to leave Chile. This was reported to the proper authorities of each country.

C. Immigration

1. Legal entry of foreigners into Chile

The various types of immigration status and the requirements to be met by foreigners entering Chile are set forth in Law 13,353 and its Regulation No. 5021 relating to Alien Status, which establishes the following categories:

Tourist: One for whom a passport is necessary, without a visa being required. The following may also be used: an identity card or similar document, a Civil Status Card, a Military Service Card or an Election Card, by nationals of countries with which Chile has agreements relating to tourism.

Resident: The Regulations relating to Alien Status provide for other types of status for purposes of entering Chile such as those persons who must have a passport and who need a visa according to the activity in which they intend to engage. They may be included in the following classification:

Diplomat: Member of the Diplomatic Corps

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Official: Visiting diplomatic missions and/or members of international organizations.

Temporary: For foreigners who have financial interests or family relations.

Resident under contract: Foreigners working under contract for private companies in the capacity of technicians.

Student: Foreigners studying in universities, taking post-graduate courses or engaging in post-graduate study, or attending international seminars.

Political asylum: Foreigners who seek political asylum to ensure their physical safety.

2. Illegal entry of foreigners into Chile

Under the Unidad Popular government there were abuses in the granting of visas to temporary residents, such as those under contract, students and those seeking political asylum, to foreigners who did not come directly from their respective countries of origin. Examples of this special case were Bolivians coming from Peru, Uruguayans coming from Argentina, as well as Brazilians arriving from other countries, all of whom did not meet the requirements laid down by the law in this matter.

It will be shown below, statistically, how foreigners who entered Chile under the false pretense of being tourists and with the help of the authorities of the government in power at that time then proceeded to

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change their visas, either to that of residents under contract (with fictitious contracts) or temporary residents, presenting documents attesting to their being technicians, etc.

Types of stay in the country, requested by aliens after entering Chile

	Nov. Dec. 1970	1971	1972	1973
Extensions of tourist visas	160	2003	769	231
Change of visas	360	2659	3296	1916
Permanent residence	295	1890	2105	1485
Naturalizations	65	314	245	130

In order to regularize the status of certain persons coming from abroad who were supporters of the Unidad Popular régime and especially those who left their own countries without proper papers because they belonged to guerrilla groups, an office for that purpose was set up in the Ministry of the Interior's Office of Alien Status. This meant that a government official who worked in that office had direct access to the office of the Minister of the Interior and could arrange to have the latter sign papers which in the normal course of business would have been rejected for not being in compliance with the laws and regulations in effect.

Likewise, when a reliable official who followed the proper procedure submitted a rejection proceeding to the Minister of the Interior concerning an alien who did not fulfill the legal requirements, the papers were filed

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or remained unsigned by that Minister, who later, in order to overcome such an obstacle, ordered that the same papers be treated differently in the case of proselytes of the Unidad Popular régime.

It is thus that many foreigners entered Chile for the purpose of pursuing various activities, most of which were not to the advantage of Chile and its people.

We shall see below some statistics whose figures are quite significant.

Tables I, II, and III show the number of foreigners of various nationalities who visited Chile during 1970, 1971, and 1972.

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Table I

NATIONALITIES THAT VISITED CHILE

NUMBER BY NATIONALITY

YEAR 1970	ENTERED	DEPARTED
CANADA	1. 960	1. 972
UNITED STATES OF AMERICA	25. 722	26. 571
MEXICO	2. 756	2. 745
COSTA RICA	426	443
CUBA	274	277
PANAMA	592	580
GUATEMALA	727	271
ARGENTINA	104. 646	96. 968
BOLIVIA	15. 475	14. 555
BRAZIL	5. 394	5. 139
COLOMBIA	2. 456	2. 488
ECUADOR	2. 133	2. 058
PARAGUAY	1. 376	1. 400
PERU	13. 797	13. 139
TRINIDAD AND TOBAGO	23	16
URUGUAY	6. 054	5. 872
VENEZUELA	1. 844	1. 896
GERMANY	7. 793	8. 271
SPAIN	5. 704	5. 784
FRANCE	4. 168	4. 136
GREAT BRITAIN	4. 368	4. 312
NETHERLANDS	1. 056	1. 029
ITALY	4. 775	4. 899
PORTUGAL	163	161
SWITZERLAND	1. 681	1. 681
RUSSIA	424	509
CHINA	110	132
INDIA	147	136
ISRAEL	521	545
JAPAN	1. 463	1. 459
UNITED ARAB REPUBLIC	25	28
AUSTRALIA	701	696
TOTAL	218. 301	210. 168
DIFFERENCE (REMAINED)	8. 133	

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Table II

NATIONALITIES THAT VISITED CHILE

NUMBER BY NATIONALITY

YEAR 1971	ENTERED	DEPARTED
CANADA	2.107	2.021
UNITED STATES OF AMERICA	22.323	22.671
MEXICO	3.218	3.139
COSTA RICA	551	537
CUBA	1.176	933
PANAMA	566	522
GUATEMALA	391	334
ARGENTINA	150.142	141.863
BOLIVIA	21.950	21.297
BRAZIL	5.537	5.133
COLOMBIA	3.172	2.928
ECUADOR	2.887	2.611
PARAGUAY	1.405	1.378
PERU	16.938	16.195
TRINIDAD AND TOBAGO	42	48
URUGUAY	7.040	6.488
VENEZUELA	2.645	2.452
GERMANY	8.391	8.301
SPAIN	5.924	5.979
FRANCE	6.099	6.081
GREAT BRITAIN	4.174	4.125
NETHERLANDS	1.104	1.140
ITALY	5.735	5.675
PORTUGAL	205	222
SWITZERLAND	1.817	1.682
RUSSIA	821	699
CHINA	206	216
INDIA	147	143
ISRAEL	648	636
JAPAN	1.517	1.497
UNITED ARAB REPUBLIC	43	34
AUSTRALIA	1.119	1.101
TOTAL	280.040	265.577
DIFFERENCE (REMAINED)	12.463	

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Table III

NATIONALITIES THAT VISITED CHILE

NUMBER BY NATIONALITY

YEAR 1972	ENTERED	DEPARTED
CANADA	1.852	1.876
UNITED STATES OF AMERICA	19.504	19.274
MEXICO	3.780	3.758
COSTA RICA	568	573
CUBA	1.085	1.048
PANAMA	755	759
GUATEMALA	415	407
ARGENTINA	83.727	80.693
BOLIVIA	13.888	13.607
BRAZIL	6.207	6.036
COLOMBIA	3.144	3.106
ECUADOR	3.347	3.328
PARAGUAY	989	894
PERU	16.353	15.702
TRINIDAD AND TOBAGO	34	39
URUGUAY	6.936	6.229
VENEZUELA	3.304	3.193
GERMANY	7.334	7.462
SPAIN	4.337	4.705
FRANCE	6.179	6.016
GREAT BRITAIN	3.877	3.684
NETHERLANDS	1.094	1.123
ITALY	3.948	4.103
PORTUGAL	223	218
SWITZERLAND	1.878	1.751
RUSSIA	1.314	1.271
CHINA	273	234
INDIA	189	176
ISRAEL	530	526
JAPAN	1.772	1.789
UNITED ARAB REPUBLIC	69	95
AUSTRALIA	1.215	1.261
TOTAL	199.847	197.402
DIFFERENCE (REMAINED)	2.445	

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Tables IV, V, and VI on pages 58 , 59 , and 60 , [61, 62, and 63 of Spanish text] are deduced from Tables I, II, and III, respectively. In the upper part of Table IV (p. 58) [p. 61 of Spanish text] one can see that out of 698, 188 foreigners who entered Chile during 1970, 1971, and 1972, 22, 569 remained.

In 1970, 3. 7% of the foreigners remained in Chile, since 210, 168 out of 218, 301 left the country; in 1971, 4. 2% of the 280, 040, or 268, 049, left Chile; and, lastly, in 1972 only 1. 2% of the foreigners remained, since 197, 402 out of 199, 847 left the country.

Furthermore, Table IV, which gives the statistics for the year 1970, the year in which the Unidad Popular régime won the presidential elections, leads to the conclusion that from the first 15 countries (7 of which are in this Hemisphere), the number of foreigners who left Chile at that time because the political situation was abhorrent to them is greater than the number of foreigners entering the country (55, 091), inasmuch as 1805 more foreigners left than entered, perhaps because of a sense of insecurity as a result of the Marxist-Leninist triumph. Let us not forget the large number of Chileans and resident aliens who sold their houses and belongings at bargain prices to people of small means so as to try to amass modest sums of money in order to be able to leave the country if the situation required it. Mr. Carlos Avendaño Ortuza, Chilean Deputy for Linares, gave up his seat and emigrated to Australia for the same reason.

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In the lower part of the same table, on the other hand, it is shown that, during 1970, 9,938 of the foreigners who had entered Chile remained in the country, awaiting citizenship, and that the majority of them originated from Latin American countries, as follows: 7678 from Argentina; 920 from Bolivia; 255 from Brazil; 658 from Peru; 182 from Uruguay. It is perhaps possible to deduce from those figures that the year 1970 marked the beginning of the influx of Latin American Marxist-Leninists into a country whose government's aim was to turn it into a socialist State.

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Table IV

YEAR	ENTERED	DEPARTED	REMAINED (DIFFERENCE)
1970	218.031	210.168	8.133
1971	280.040	268.049	11.991
1972	199.847	197.402	2.445
TOTAL	698.188	675.619	22.569

Let us note the figures corresponding to certain countries whose citizens departed in greater number than those who remained in Chile and vice versa:

	YEAR 1970		
COUNTRY	DEPARTED	ENTERED	DEPARTED (DIFF.)
CANADA	1.972	1.960	12
COSTA RICA	443	426	17
COLOMBIA	2.488	2.456	32
CUBA	277	274	3
UNITED STATES OF AMERICA	26.571	25.722	849
PARAGUAY	1.400	1.376	24
VENEZUELA	1.896	1.844	52
GERMANY	8.271	7.793	478
SPAIN	5.784	5.704	80
ITALY	4.899	4.775	124
RUSSIA	509	424	85
SWITZERLAND	1.681	1.681	---
CHINA	132	110	22
ISRAEL	545	521	24
UNITED ARAB REPUBLIC	28	25	3
TOTAL	56.896	55.091	1.805

	ENTERED	DEPARTED	REMAINED (DIFF.
ARGENTINA	104.646	96.968	7.678
BOLIVIA	15.475	14.555	920
BRAZIL	5.394	5.139	255
ECUADOR	2.133	2.058	75
GUATEMALA	274	271	3
PANAMA	592	580	12
PERU	13.797	13.139	658
TRINIDAD AND TOBAGO	23	16	7
URUGUAY	6.054	5.872	182
FRANCE	4.168	4.136	32
GREAT BRITAIN	4.368	4.312	56
NETHERLANDS	1.056	1.029	27
PORTUGAL	163	161	2
INDIA	147	136	11
JAPAN	1.463	1.459	4
AUSTRALIA	701	696	5
TOTAL	163.210	153.272	9.938

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Table V

YEAR 1971

COUNTRY	DEPARTED	ENTERED	DEPARTED (DIFF.)
UNITED STATES OF AMERICA	22.671	22.323	348
TRINIDAD AND TOBAGO	48	42	6
SPAIN	5.979	5.924	55
NETHERLANDS	1.140	1.104	36
PORTUGAL	222	205	17
CHINA	216	206	10
TOTAL	30.276	29.804	472

	ENTERED	DEPARTED	REMAINED (DIFF.
ARGENTINA	150.142	141.861	8.281
BOLIVIA	21.950	21.297	653
BRAZIL	5.537	5.133	404
CANADA	2.107	2.021	86
COLOMBIA	3.172	2.928	244
COSTA RICA	551	537	14
CUBA	1.176	933	243
ECUADOR	2.887	2.611	276
GUATEMALA	391	334	57
MEXICO	3.218	3.139	79
PANAMA	566	522	44
PARAGUAY	1.405	1.378	27
PERU	16.938	16.195	743
URUGUAY	7.040	6.488	522
VENEZUELA	2.645	2.452	193
GERMANY	8.391	8.301	90
AUSTRALIA	1.119	1.101	18
FRANCE	6.099	6.081	18
GREAT BRITAIN	4.174	4.125	49
ITALY	5.735	5.675	60
INDIA	147	143	4
ISRAEL	648	636	12
JAPAN	1.517	1.497	20
UNITED ARAB REPUBLIC	43	34	9
RUSSIA	821	669	152
SWITZERLAND	1.817	1.682	135
TOTAL	250.236	237.773	12.463

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Table VI

YEAR 1972

COUNTRY	DEPARTED	ENTERED	DEPARTED (DIFF.)
CANADA	1.876	1.852	24
COSTA RICA	573	568	5
PANAMA	759	755	4
TRINIDAD AND TOBAGO	39	34	5
GERMANY	7.462	7.334	128
SPAIN	7.405	4.337	3.068
NETHERLANDS	1.123	1.094	29
ITALY	4.103	3.948	155
JAPAN	1.789	1.772	17
UNITED ARAB REPUBLIC	95	69	26
AUSTRALIA	1.261	1.215	46
TOTAL	26.485	22.978	3.507

	ENTERED	DEPARTED	REMAINED (DIFF.)
ARGENTINA	83.727	80.693	3.034
BOLIVIA	13.888	13.607	281
BRAZIL	6.207	6.036	171
COLOMBIA	3.144	3.106	38
CUBA	1.085	1.048	37
ECUADOR	3.347	3.328	19
UNITED STATES OF AMERICA	19.504	19.274	230
GUATEMALA	415	407	8
MEXICO	3.780	3.758	22
PARAGUAY	989	894	95
PERU	16.353	15.702	651
URUGUAY	6.936	6.229	707
VENEZUELA	3.304	3.193	111
FRANCE	6.179	6.016	163
GREAT BRITAIN	3.877	3.684	193
INDIA	189	176	13
ISRAEL	530	526	4
PORTUGAL	223	218	5
RUSSIA	1.314	1.271	43
SWITZERLAND	1.878	1.751	127
TOTAL	176.869	170.917	5.952

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In Table V on page 59 [page 62 of Spanish text] the number of 8,281 Argentines who remained in Chile during 1971 constituted 65.9% of the total number of 12,463 foreigners who did not leave the country. Peruvians followed with 743, which represents 5.9%; Bolivians with 653, which is 5.2%; Uruguayans with 552, which constitutes 4.4%; and Brazilians with 404, which represents 3.2%.

In Table VI on page 60 [p. 63 of Spanish text] we note that in 1972, when the situation in Chile became more unfavorable, the countries from which the number of nationals who left Chile was greater than the number of those who entered it were for the most part European, except for Canada, Costa Rica, Panama, and Trinidad and Tobago.

What is interesting about the figures shown is that they permit deducing the political tendency and the activities in which the foreigners subsequently engaged during their stay in Chile.

The accuracy of what has been shown may be verified in Tables VIIa and VIIb, where one can note the nationals of various countries who sought asylum in embassies of different countries and to whom safe-conduct was granted. These tables are derived from Table VIII on pages 65 to 76 [pp. 68 to 79 of Spanish text].

A special case was that of the movement of Cuban nationals who entered and left Chile.

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It should be pointed out that during the months of January to June 1973 the number of visas granted to Cuban officials on special official missions and on special missions reached a total of 269 (two hundred and sixty nine).

For more details, refer to Annex 3 at the end of the Chapter.

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SOME FIGURES ON SAFE-CONDUCTS IN THE HEMISPHERE GRANTED BY CHILE, BY DESTINATION

Table VIIa

	GERMANS	ARGENTINES	AUSTRIANS	BOLIVIANS	BRAZILIANS	BULGARIANS	CANADIANS	COLOMBIANS	COSTA RICANS	CUBANS	CZECHS	CHILEANS	CHINESE	DOMINICANS	ECUADORANS	SPANIARDS	FRENCH	GUATEMALANS	HAITIANS	DUTCH	HONDURANS	HUNGARIANS	ITALIANS	JAPANESE	MEXICANS	NICARAGUANS	U. S. A.	PANAMANIANS	PARAGUAYANS	PERUVIANS	POLES	PUERTO RICANS	RUSSIANS	SALVADORANS	SWEDES	SWISS	URUGUAYANS	VENEZUELANS	UNDETERMINED
ARGENTINA	2	243	-	41	133	-	-	9	-	3	-	268	2	-	14	7	1	-	-	-	1	-	-	1	1	-	30	-	1	4	1	-	-	4	4	2	125	1	4
BOLIVIA	-	-	-	69	6	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	1	-	-
BRAZIL	-	-	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ANADA	-	2	4	3	24	-	14	-	-	-	4	69	-	-	1	1	-	-	1	-	-	5	1	-	-	2	-	-	1	-	4	-	-	-	-	-	3	-	4
COLOMBIA	-	-	-	-	4	-	-	80	-	-	-	63	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	6	-	1
COSTA RICA	-	-	-	-	6	-	-	-	-	-	-	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CUBA	-	2	-	17	40	-	-	2	-	13	-	204	-	4	1	5	-	1	-	-	-	-	-	-	-	-	-	6	-	-	-	6	5	-	-	37	-	-
ECUADOR	-	-	-	-	-	-	-	-	-	-	-	20	-	-	84	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-
EL SALVADOR	-	-	-	-	-	-	-	1	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-
HONDURAS	-	-	-	2	-	-	-	-	-	-	-	79	-	-	-	-	-	1	-	-	14	-	-	-	-	-	-	1	-	-	-	1	-	-	-	3	-	-
MEXICO	1	5	-	10	48	-	-	9	-	4	-	600	-	-	1	1	1	-	-	-	-	-	-	-	87	2	2	-	-	2	-	-	4	-	1	1	17	4	3
NICARAGUA	-	-	-	-	-	-	-	-	-	-	-	4	-	-	1	-	-	-	-	-	-	-	-	-	-	63	-	-	-	-	-	-	-	-	-	-	-	-	-
U. S. A.	-	-	-	6	3	-	-	-	-	-	-	64	-	2	-	-	-	-	3	-	-	-	-	-	-	-	15	-	-	-	-	-	3	3	-	-	1	-	-
PANAMA	-	19	-	23	123	1	-	6	-	4	-	123	-	-	6	-	3	2	-	-	-	-	-	-	4	2	3	13	2	6	-	1	16	1	-	-	65	7	3
PARAGUAY	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-
PERU	-	4	-	6	2	-	-	-	-	-	5	45	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	123	-	-	-	-	-	-	3	-	1
URUGUAY	-	2	-	1	2	-	-	-	-	-	-	9	-	-	2	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1	-	-	-	37	-	30
VENEZUELA	-	1	-	1	2	-	-	-	-	1	-	95	-	-	-	2	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UNDETERMINED	2	4	-	71	45	1	-	4	-	4	1	349	-	2	1	6	1	1	10	-	-	-	3	-	-	1	-	-	1	2	-	-	1	-	-	1	16	-	176

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SOME FIGURES ON SAFE-CONDUCTS OUTSIDE THE HEMISPHERE GRANTED BY CHILE, BY DESTINATION

Table VIIb

	GERMANS	ARGENTINES	AUSTRIANS	BOLIVIANS	BRITISH	BRAZILIANS	BULGARIANS	COLOMBIANS	KOREANS	CUBANS	CZECHS	CHILEANS	DANES	DOMINICANS	ECUADORANS	SPANIARDS	FRENCH	GUATEMALANS	DUTCH	HUNGARIANS	ITALIANS	MEXICANS	NICARAGUANS	U. S. A.	PANAMANIANS	PARAGUAYANS	PERUVIANS	POLES	RUMANIANS	RUSSIANS	SALVADORANS	SWEDES	SWISS	URUGUAYANS	VENEZUELANS	YUGOSLAVS	UNDETERMINED
AUSTRIA	1	7	3	11	1	6	-	6	-	-	-	100	-	1	-	-	-	-	-	3	-	1	1	-	-	2	-	-	-	2	-	-	-	5	-	1	-
BELGIUM	-	2	-	2	-	4	-	-	-	-	-	64	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-	1	-
BULGARIA	-	-	-	-	-	-	13	-	-	-	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18
CZECHOSLOVAKIA	-	-	-	-	-	-	-	-	-	-	16	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
KOREA	-	-	-	-	-	-	-	-	31	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DENMARK	-	-	-	-	-	-	-	2	-	-	-	36	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-
SPAIN	-	1	-	7	-	2	-	-	-	-	-	89	-	-	-	49	-	3	-	-	-	-	-	-	-	-	-	-	-	3	-	-	8	-	-	-
FRANCE	-	6	-	69	-	57	-	6	-	-	-	588	-	1	4	4	41	3	-	-	1	4	1	-	1	-	7	-	-	-	1	-	-	48	-	-	4
NETHERLANDS	-	1	-	6	-	33	-	2	-	-	-	96	-	4	3	-	-	2	24	-	-	-	-	-	1	-	2	-	-	3	-	-	-	21	-	-	3
HUNGARY	-	-	-	-	-	-	-	-	-	-	-	11	-	-	-	-	-	-	-	16	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ITALY	-	6	-	-	-	9	-	-	-	-	-	188	-	-	-	-	-	-	-	-	22	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	2
N. ZEALAND	-	1	-	-	-	1	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	1	-	-	-
G. D. R.	15	-	-	8	-	2	-	1	-	-	-	119	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-
F. R. G.	41	22	-	60	-	13	9	3	-	3	6	328	-	-	4	10	-	5	-	4	1	1	7	-	-	12	10	-	1	27	3	1	2	16	1	3	2
RUMANIA	-	-	-	-	-	1	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-	-
RUSSIA	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	262	-	-	-	-	-	-	-
SWEDEN	-	11	-	129	-	83	2	1	-	8	-	172	-	9	9	1	-	2	-	4	-	1	6	4	6	-	1	-	-	-	-	33	-	164	-	-	2
SWITZERLAND	-	6	-	12	-	9	-	-	-	-	-	79	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	4	-	-	5	8	-	-	-
UNDETERMINED	2	4	-	71	-	45	1	4	-	4	1	349	-	2	1	6	1	1	-	-	3	-	1	-	-	1	2	-	-	1	-	-	1	16	-	3	176

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Table VIII

STATISTICS ON SAFE-CONDUCTS BY "DESTINATION"

COUNTRY OF DESTINATION: ARGENTINA

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
GERMANS	1	--	-	1	2
ARGENTINES	114	54	16	59	243
BOLIVIANS	35	-	6	-	41
BRAZILIANS	121	-	12	-	133
CHILEANS	220	23	5	20	268
CHINESE	-	-	-	2	2
COLOMBIANS	3	-	-	6	9
CUBANS	3	-	-	-	3
ECUADORANS	12	-	-	2	14
SPANIARDS	3	4	-	-	7
FRENCH	1	-	-	-	1
HONDURANS	1	-	-	-	1
JAPANESE	-	1	-	-	1
MEXICANS	1	-	-	-	1
U.S.A.	-	-	-	30	30
PARAGUAYANS	1	-	-	-	1
PERUVIANS	4	-	-	-	4
POLES	1	-	-	-	1
SALVADORANS	4	-	-	-	4
SWEDES	-	-	-	4	4
SWISS	1	-	-	1	2
URUGUAYANS	117	-	3	5	125
VENEZUELANS	1	-	-	-	1
UNDETERMINED	4	-	-	-	4

COUNTRY OF DESTINATION: AUSTRIA

GERMANS	-	-	-	1	1
ARGENTINES	-	-	7	-	7
AUSTRIANS	1	-	2	-	3
BOLIVIANS	2	2	7	-	11
BRAZILIANS	1	-	4	1	6
BRITISH	-	1	-	-	1
CHILEANS	88	-	9	3	100
COLOMBIANS	-	-	-	6	6
ECUADORANS	-	-	1	-	1
HUNGARIANS	-	-	-	3	3
INDIANS	-	-	1	-	1
MEXICANS	-	1	-	-	1
NICARAGUANS	-	1	-	-	1
PARAGUAYANS	-	-	2	-	2
RUSSIANS	-	-	-	2	2
URUGUAYANS	1	-	4	-	5
YUGOSLAVS	-	-	-	1	1

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COUNTRY OF DESTINATION: BELGIUM

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
ARGENTINES	2	-	-	-	2
BELGIANS	-	1	-	-	1
BOLIVIANS	2	-	-	-	2
BRAZILIANS	2	1	-	1	4
CHILEANS	57	-	-	7	64
DOMINICANS	2	-	-	-	2
URUGUAYANS	-	-	-	7	7
YUGOSLAVS	-	-	-	1	1

COUNTRY OF DESTINATION: BOLIVIA

BOLIVIANS	-	32	32	5	69
CHILEANS	-	-	2	-	2
URUGUAYANS	-	-	1	-	1
BRAZILIANS	-	5	1	-	6
SWEDES	-	-	-	2	2

COUNTRY OF DESTINATION: BULGARIA

BULGARIANS	-	-	-	13	13
CHILEANS	5	-	-	-	5
UNDETERMINED	-	-	-	18	18

COUNTRY OF DESTINATION: COSTA RICA

BRAZILIANS	3	-	3	-	6
CHILEANS	21	-	-	-	21
COSTA RICANS	-	-	-	1	1

COUNTRY OF DESTINATION: CANADA

ARGENTINES	-	1	1	-	2
AUSTRIANS	-	-	4	-	4
BOLIVIANS	-	-	3	-	3
BRAZILIANS	2	1	20	1	24

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Cont. Canada

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
CANADIANS	5	3	-	6	14
CZECHOSLOVAKS	-	-	4	-	4
CHILEANS	54	-	13	2	69
ECUADORANS	-	-	1	-	1
SPANIARDS	-	-	1	-	1
HAITIANS	-	-	1	-	1
HUNGARIANS	-	-	5	-	5
ITALIANS	-	-	1	-	1
NICARAGUANS	-	-	2	-	2
PARAGUAYANS	-	-	1	-	1
POLES	-	-	4	-	4
URUGUAYANS	-	-	3	-	3
UNDETERMINED	-	2	2	-	4
COUNTRY OF DESTINATION: CZECHOSLOVAKIA					
CZECHOSLOVAKS	-	-	-	16	16
CHILEANS	-	-	2	-	2
RUSSIANS	-	-	-	1	1
COUNTRY OF DESTINATION: COLOMBIA					
BRAZILIANS	4	-	-	-	4
CHILEANS	58	-	1	4	63
COLOMBIANS	2	14	-	64	80
SPANIARDS	-	-	-	1	1
U.S.A.	-	-	-	1	1
URUGUAYANS	5	-	-	1	6
UNDETERMINED	1	-	-	-	1
COUNTRY OF DESTINATION: KOREA					
KOREANS	-	-	-	31	31

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COUNTRY OF DESTINATION: CUBA

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
ARGENTINES	-	-	2	-	2
BOLIVIANS	5	1	6	5	17
BRAZILIANS	6	1	33	-	40
CHILEANS	131	-	7	66	204
COLOMBIANS	-	1	1	-	2
CUBANS	9	1	-	3	13
DOMINICANS	-	-	4	-	4
ECUADORANS	-	-	1	-	1
SPANIARDS	-	-	5	-	5
GUATEMALANS	-	-	1	-	1
PARAGUAYANS	-	-	6	-	6
RUSSIANS	1	-	5	-	6
SALVADORANS	-	-	5	-	5
URUGUAYANS	-	-	37	-	37

COUNTRY OF DESTINATION: DENMARK

CHILEANS	33	-	3	-	36
COLOMBIANS	-	-	2	-	2
DANES	-	5	-	-	6
JAPANESE	-	-	-	1	6
URUGUAYANS	3	-	-	-	3

COUNTRY OF DESTINATION: ECUADOR

CHILEANS	6	-	-	14	20
ECUADORANS	-	10	-	74	84
URUGUAYANS	2	-	-	-	2

COUNTRY OF DESTINATION: SPAIN

CHILEANS	11	3	5	-	19
SPANIARDS	-	22	19	7	48

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Cont. Spain

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
ARGENTINES	-	-	1	-	1
BOLIVIANS	3	2	2	-	7
BRAZILIANS	1	-	1	-	2
CHILEANS	62	-	5	3	70
SPANIARDS	-	-	1	-	1
GUATEMALANS	-	-	3	-	3
RUSSIANS	-	-	3	-	3
URUGUAYANS	-	-	8	-	8

COUNTRY OF DESTINATION: FRANCE

ARGENTINES	-	1	5	-	6
BOLIVIANS	-	13	49	7	69
BRAZILIANS	5	5	46	1	57
CHILEANS	508	4	34	42	588
COLOMBIANS	-	1	5	-	6
DOMINICANS	-	-	1	-	1
ECUADORANS	-	-	4	-	4
SPANIARDS	-	-	4	-	4
FRENCH	12	4	-	25	41
GUATEMALANS	-	-	3	-	3
HAITIANS	-	-	-	1	1
INDIANS	-	-	4	-	4
ITALIANS	-	-	1	-	1
MOROCCANS	-	-	2	-	2
MEXICANS	-	-	4	-	4
NICARAGUANS	-	1	-	-	1
PANAMANIANS	-	-	1	-	1
PARAGUAYANS	-	-	1	-	1
PERUVIANS	-	3	3	1	7
SALVADORANS	-	-	1	-	1
URUGUAYANS	5	13	29	1	48
UNDETERMINED	4	-	-	1	4

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COUNTRY OF DESTINATION: GREAT BRITAIN

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
CHILEANS	4	-	1	-	5
ENGLISH	-	1	-	1	2
PAKISTANIS	-	1	-	-	1

COUNTRY OF DESTINATION: NETHERLANDS

ARGENTINES	-	-	1	-	1
BOLIVIANS	-	2	4	-	6
BRAZILIANS	3	3	25	2	33
CHILEANS	25	-	23	5	96
COLOMBIANS	-	-	2	-	2
DOMINICANS	-	1	3	-	4
ECUADORANS	-	-	3	-	3
GUATEMALANS	-	-	2	-	2
DUTCH	1	-	1	11	13
NETHERLANDS	-	5	-	6	11
PANAMANIANS	-	-	1	-	1
PERUVIANS	-	2	-	-	2
RUSSIANS	-	-	3	-	3
URUGUAYANS	-	1	20	-	21
UNDETERMINED					

COUNTRY OF DESTINATION: HONDURAS

BOLIVIANS	2	-	-	-	2
CHILEANS	74	-	-	5	79
GUATEMALANS	1	-	-	13	1
HONDURANS	-	1	-	-	14
PANAMANIANS	1	-	-	-	1
RUSSIANS	-	-	1	-	1
URUGUAYANS	3	-	-	-	3

COUNTRY OF DESTINATION: HUNGARY

CHILEANS	11	-	-	-	11
HUNGARIANS	-	-	-	16	16

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COUNTRY OF DESTINATION: IRELAND

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
IRISH	-	-	-	1	1

COUNTRY OF DESTINATION: ISRAEL

CHILEANS	2	-	-	3	5
ISRAELIS	-	-	-	2	2

COUNTRY OF DESTINATION: ITALY

ARGENTINES	1	-	5	-	6
BRAZILIANS	3	-	6	-	9
CHILEANS	179	-	-	9	188
ITALIANS	14	3	2	3	22
URUGUAYANS	1	-	-	-	1
UNDETERMINED	2	-	-	-	2

COUNTRY OF DESTINATION: LUXEMBOURG

LUXEMBOURGERS	1	1	-	-	2

COUNTRY OF DESTINATION: MEXICO

GERMANS	-	-	-	1	1
ARGENTINES	5	-	-	-	5
BOLIVIANS	3	-	7	-	10
BRAZILIANS	47	-	-	1	48
CHILEANS	549	-	-	51	600
COLOMBIANS	9	-	-	-	9
CUBANS	4	-	-	-	4
ECUADORANS	1	-	-	-	1
SPANIARDS	1	-	-	-	1
FRENCH	1	-	-	-	1
MEXICANS	51	4	-	32	87
MOZAMBIQUIANS	1	-	-	-	1
NICARAGUANS	2	-	-	-	2
U.S.A.	-	-	-	2	2
PERUVIANS	1	-	-	1	2

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Cont. Mexico

NATIONALITY GRANTED ASYLUM		EXPELLED	REFUGEES	COURTESY	TOTAL
RUSSIANS	4	-	-	1	5
SWEDES	1	-	-	-	1
SWISS	1	-	-	-	1
URUGUAYANS	17	-	-	-	17
VENEZUELANS	-	-	-	4	4
UNDETERMINED	2	-	-	1	3
COUNTRY OF DESTINATION: NEW ZEALAND					
ARGENTINES	-	-	1	-	1
BRAZILIANS	-	-	1	-	1
CHILEANS	-	-	3	-	3
PANAMANIANS	-	-	2	-	2
URUGUAYANS	-	-	1	-	1
COUNTRY OF DESTINATION: NICARAGUA					
CHILEANS	-	-	3	1	4
ECUADORANS	-	1	-	-	1
NICARAGUANS	1	18	-	44	63
COUNTRY OF DESTINATION: UNITES STATES OF AMERICA					
BOLIVIANS	1	-	5	-	6
BRAZILIANS	-	-	3	-	3
CHILEANS	31	-	8	25	64
DOMINICANS	-	-	2	-	2
HAITIANS	-	-	3	-	3
U.S.A.	-	9	-	6	15
RUSSIANS	-	-	3	-	3
SALVADORANS	-	-	3	-	3
URUGUAYANS	-	-	1	-	1
COUNTRY OF DESTINATION: PANAMA					
ARGENTINES	16	-	-	3	19
BOLIVIANS	15	2	4	2	23
BRAZILIANS	115	4	2	2	123
BULGARIANS	-	-	-	1	1

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Cont. Panama

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
CHILEANS	115	-	-	8	123
COLOMBIANS	2	-	-	4	6
CUBANS	3	-	-	1	4
DANES	-	1	-	-	1
ECUADORANS	2	-	-	4	6
FRENCH	-	1	-	2	3
GUATEMALANS	1	-	1	-	2
LUXEMBOURGERS	1	-	-	-	1
MEXICANS	2	-	-	2	4
DUTCH	-	-	-	1	1
NICARAGUANS	1	1	-	-	2
U.S.A.	-	1	-	2	3
PANAMANIANS	-	1	-	12	13
PARAGUAYANS	1	-	-	1	2
PERUVIANS	-	2	-	4	6
PUERTO RICANS	1	-	-	-	1
RUSSIANS	-	-	-	16	16
SALVADORANS	1	-	-	-	1
URUGUAYANS	62	1	-	2	65
VENEZUELANS	-	-	-	7	7
UNDETERMINED	1	-	-	2	3
COUNTRY OF DESTINATION: PARAGUAY					
BOLIVIANS	1	-	-	-	1
PARAGUAYANS	-	-	-	2	2
COUNTRY OF DESTINATION: PERU					
ARGENTINES	-	-	4	-	4
BOLIVIANS	3	-	3	-	6
BRAZILIANS	-	-	2	-	2
CZECHOSLOVAKS	-	3	-	2	5
CHILEANS	33	-	-	12	45
PERUVIANS	-	20	3	100	123
URUGUAYANS	1	-	2	-	3
UNDETERMINED	-	-	-	1	1

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COUNTRY OF DESTINATION: POLAND

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
BRAZILIANS	1	-	-	-	1
CHILEANS	20	-	1	-	21
POLES	-	-	4	10	14

COUNTRY OF DESTINATION: D. R. G.

GERMANS	-	-	-	5	5
BOLIVIANS	-	1	7	-	8
BRAZILIANS	-	-	2	-	2
CHILEANS	112	-	-	7	119
COLOMBIANS	-	-	1	-	1
D. R . G.	-	-	-	10	10
URUGUAYANS	-	-	2	-	2

COUNTRY OF DESTINATION: F. R. G.

GERMANS	4	8	8	21	41
ARGENTINES	-	2	20	-	22
BOLIVIANS	-	9	49	2	60
BRAZILIANS	1	3	9	-	13
BULGARIANS	-	-	9	-	9
CZECHOSLOVAKS	-	1	5	-	6
CHILEANS	186	1	34	107	328
COLOMBIANS	-	-	1	2	3
CUBANS	-	-	2	-	2
ECUADORANS	-	-	3	1	4
SPANIARDS	-	1	9	-	10
GUATEMALANS	1	2	2	-	5
HUNGARIANS	-	-	4	-	4
ITALIANS	-	-	1	-	1
MEXICANS	-	-	-	1	1
NICARAGUANS	-	-	6	1	7
PARAGUAYANS	-	-	12	-	12
PERUVIANS	-	1	9	-	10
RUMANIANS	-	1	-	-	1
RUSSIANS	-	-	21	6	27
SALVADORANS	-	-	3	-	3

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Cont. F. R. G.

NATIONALITY	GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
SWEDES	-	-	-	1	1
SWISS	1	1	-	-	2
URUGUAYANS	2	2	12	-	16
VENEZUELANS	-	-	-	1	1
YUGOSLAVS	-	-	3	-	3
INDETERMINED	2	-	-	-	2
COUNTRY OF DESTINATION: RUMANIA					
BRAZILIANS	-	-	1	-	1
CHILEANS	1	-	1	-	2
RUMANIANS	-	-	1	3	4
COUNTRY OF DESTINATION: RUSSIA					
CZECHOSLOVAKS	-	-	-	1	1
RUSSIANS	-	1	-	261	262
COUNTRY OF DESTINATION: EL SALVADOR					
CHILEANS	1	-	-	1	2
COLOMBIANS	-	-	-	1	1
SALVADORANS	-	2	-	2	4
COUNTRY OF DESTINATION: SWEDEN					
ARGENTINES	5	-	6	-	11
BOLIVIANS	13	13	100	3	129
BRAZILIANS	26	22	26	9	83
BULGARIANS	-	-	2	-	2
CHILEANS	120	1	26	25	172
COLOMBIANS	1	-	-	-	1
CUBANS	3	4	1	-	8
DOMINICANS	1	8	-	-	9
ECUADORANS	3	-	6	-	9
SPANIARDS	-	-	1	-	1
GUATEMALANS	-	-	2	-	2
HUNGARIANS	-	-	4	-	4
MEXICANS	-	1	-	-	1
NICARAGUANS	-	-	6	-	6

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Cont. Sweden

NATIONALITY GRANTED ASYLUM	EXPELLED	REFUGEES	COURTESY	TOTAL
U.S.A. -	-	3	1	4
PANAMANIANS -	-	6	-	6
PERUVIANS -	-	1	-	1
SWEDES -	2	-	31	33
URUGUAYANS 51	52	56	5	164
UNDETERMINED 2	-	-	-	2

COUNTRY OF DESTINATION: SWITZERLAND

ARGENTINES -	-	6	-	6
BOLIVIANS -	2	8	2	12
BRAZILIANS 2	3	4	-	9
CHILEANS 54	-	5	20	79
POLES -	-	4	-	4
RUSSIANS -	-	4	-	4
SWISS 1	1	-	3	5
URUGUAYANS 2	2	4	-	8

COUNTRY OF DESTINATION: URUGUAY

ARGENTINES 1	-	1	-	2
BOLIVIANS -	1	-	-	1
BRAZILIANS 2	-	-	-	2
CHILEANS 4	-	-	5	9
ECUADORANS -	1	-	1	2
MEXICANS 1	-	-	-	1
RUSSIANS -	-	-	1	1
URUGUAYANS 4	7	-	26	37
UNDETERMINED -	-	-	30	30

COUNTRY OF DESTINATION: VENEZUELA

ARGENTINES 1	-	-	-	1
BOLIVIANS 1	-	-	-	1
BRAZILIANS 2	-	-	-	2
CHILEANS 81	-	-	14	95
CUBANS -	-	-	1	1
SPANIARDS 2	-	-	-	2
GUATEMALANS 1	-	-	-	1
URUGUAYANS -	-	-	1	1
VENEZUELANS 11	3	-	130	144
UNDETERMINED -	-	-	1	1

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3. Alien activities inside Chile

The political activist aliens who entered the country as tourists, residents students, and temporary residents under contract were located in specific areas where they engaged in clandestine activities on the fringes of the law and with official protection, as instructors and consciousness-raisers of the working masses or as guerrillas. These activities resulted in a series of terrorist acts, the worst of which we shall recount below.

- Explosion of bombs inside a shed of the oil refinery in Las Ventanas. The Uruguayan student José Zurra Spadea together with his wife, Cándida Rodríguez Catalogne, also an Uruguayan with a temporary resident visa and employed at the former National Publishing Company QUIMANTU, were engaged in making bombs in that shed.

- Assault and murder of an Army Lieutenant on a public thoroughfare.

The Mexican citizen José Albino Sosa Gil, a tourist with irregular residence status, was placed because of his knowledge and abilities in the Indugas company, a liquified gas distributor, and was assigned to develop leftist proselytizing activities. He was the shop foreman of the above-mentioned company. While driving through the uptown section of Santiago in a pickup truck together with three Chilean extremists, for the purpose of finding weapons by any means for their groups, they assaulted and killed the officer in order to snatch his service gun.

- Theft and clandestine slaughter of sheep at the Chacagua ranch.

Inside the said ranch fourteen Uruguayan nationals (most of them Tupamaros) were caught in the act of eating a roasted lamb: Gladys Ana Perla Sugliani; Nancy Aracelli Nieto; Selva Inés Calone Texeira; Idiana Garandan Gaitán; Adalberto Edison Prieto; José Fernando Buttazzoni Repetto; Enrique Ariel Corbo Rodríguez; Víctor Manuel Diflore Freire; Antonio Ernesto Cairo Casal; Mario César Lanza Ferrero; Luis Alberto Giordano Hortal; Guillermo Pedro di Landro Regalado; Luis Alfredo Mutlante Blanco; Luis

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Alberto Chaper Correo. It was confirmed that the above-mentioned persons had repeated the same misdeed seven times in the course of three months. After they were brought to trial in the town of Quillota, the Unidad Popular government authorities proceeded to send them to Cuba by place.

- Assault with intent to rob medical supplies from the Central Hospital of Santiago.

This act was committed by five Chilean extremists and the Uruguayan woman Nieves Menéndez González, who arrived at the Central Hospital of the capital in a pickup truck, with San Miguel license No. GKD-88, belonging to the Socialist Party, and attempted to rob medical supplies from the said hospital. They did not succeed in the attempt and were arrested by the Carabineros.

- Homicide at the Charles Drive-In.

Chileans and foreigners participated in the death of the Chilean citizen Carlos Arturo Subercaseaux Lyon, as a result of discussions of a political nature. The one who actually committed the homicide was the Dominican national Gustavo Saberbein Chevalier. A Colombian, Isaac Padilla Mondragón, was wounded in the course of the shooting. Both the wounded man and the one who committed the homicide were illegal residents in Chile since they were tourists who had stayed beyond the expiration date of their visas and engaged in illegal activities.

D. Trade Unionism and Labor Unionism

On December 7, 1970 a pact was reached between the Unidad Popular government and the CUT (Federation of Labor Unions), at that time without juridical personality. The CUT was led by the Marxists, and did not represent the existing labor unions which were made up of the various trade unions. In that pact the Unidad Popular régime assumed the

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commitment that the various labor unions would participate in the running of the companies, through the Boards of Governors, it being also agreed that the Unidad Popular government would have one vote more than the trade union representatives. This latter provision was in practice disregarded from the time that the workers' representatives corresponded to a political "quota" 4/ among the various factions constituting the Unidad Popular administration.

It was also agreed to give juridical personality to the CUT and that its officials would be elected by direct vote.

The voting of the national trade union representatives was thus blurred because of the form in which it was carried out, corresponding to political groups --the ballots were stamped with the symbol of the political party they represented--and not to the true representation of the existing trade unions.

The result of the voting favored the Christian Democrat Party (PDC) because the Unidad Popular became divided into its constituent factions. The Unidad Popular representatives made a political realignment in order to change the results of the elections, finally succeeding in having them suit their interests, and it is thus that the presidency was given to the

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4. The "quota" consisted in the proportional distribution of officers among the members of the various parties or groups constituting the Unidad Popular administration.

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Communist Party (PC), the Office of the Secretary General to the Socialist Party (PS), the Office of the First Vicepresident to the Christian Democrats, and that of the Second Vicepresident to the Unitary Popular Action Movement (MAPU).

The development of events resulted in an unusual situation when the President of the Federation of Labor Unions (CUT) was appointed by the government to be the Minister of Labor.

Actually, the First Vicepresident should have occupied that vacant position but, disregarding the regulations, the Unidad Popular government made him Secretary General; the situation became even worse when the Secretary General was appointed to substitute for the Minister of Labor.

Gradually the government tried to place the labor unions under State control and to make them political. The labor unions thus negotiated their contracts without any possibility of success since the companies and the Conciliation Boards were veritable representatives of the State, which by means of the "political quota" in the workers' representations had ensured the majority in its favor, thus keeping the unions under its control by restricting the freedom of expression of the opposition.

The granting of supervisory positions to supporters of the Unidad Popular régime, while disregarding individual ability, and permitting only those who had expressed a prior political commitment to Marxism

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to enter the government, provoked dismay in the labor sector and caused skilled technical personnel to emigrate.

The handling of the labor unions, the political action, the departure of technicians, etc. caused a noticeable decline in production.

The non-compliance with contracts on the part of the government, in which there was a trade union representative, led to a general strike of transport workers and subsequently that of the workers in the El Teniente copper mine, who were severely repressed. The President of the Miners' Federation was arrested and slandered.

Representatives of the régime, disregarding the interests of the workers, ordered them to go back to work. Likewise, 147 workers opposed to the régime were fired from the above-mentioned mine, which was a violation of the job security law.

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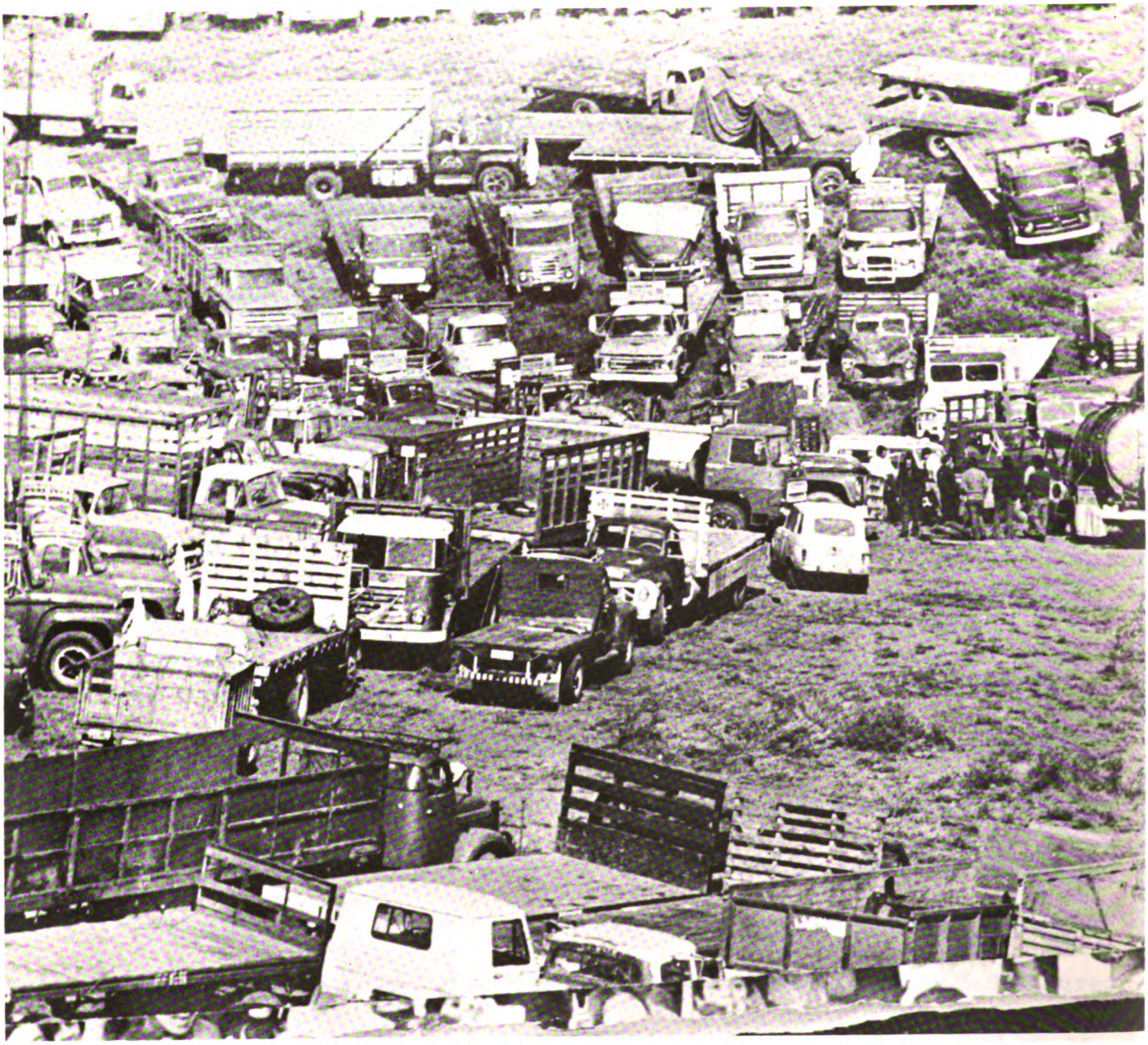

On July 25, 1973, thousands of truck drivers immobilized their vehicles, thus beginning a historic civil resistance movement that lasted until the overthrow of the Allende government.

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The workers of the El Teniente copper mine, most of whom were sympathizers of the Unidad Popular, were obliged to go on strike in order to demand that the government comply with a legal provision for the readjustment of wages. The strike lasted 77 days.

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ANNEX No. 1

THE ZIG-ZAG CONFLICT

On September 16, 1970, a labor conflict began at the Zig-Zag Publishers, which finally had to be resolved by a Court of Arbitration. The latter was made up of representatives of the firm and the workers, and was presided over by a communist lawyer of the Ministry of Labor, Roberto Butrón. The head of that Ministry, José Oyarce, also was a communist.

A peculiarity of the January 11, 1971, decision was that it determined that Zig-Zag, in addition to being a "monopoly" was an "economic entity" because of its relationship with other enterprises in which its officials had interests. The arbitral decision further required the payment of salary increases on the order of 67.3%, more than double the increase in the cost of living, representing a payment of 25,091,000 Escudos, which the firm did not have, a circumstance recognized by the arbitration tribunal itself.

The exaggerated amount of the labor demands and the outcome of the arbitral decision brought clearly to light the maneuver whose purpose was to bring about the transfer of the ownership of Zig-Zag to the State. Zig-Zag executives also denounced work stoppages and strikes by workers, repeated tax investigations, and defamation in quasi-official press organs.

The Board of Directors of the enterprise requested the intervention of President Allende, who, at a meeting with the National Press Association on November 24, 1970, said that "the Government assured a complete hands-off policy, and it was therefore to be hoped that this labor difficulty would not be transformed into a political conflict."(1)

As a result of these actions, the State, through CORFO, acquired the plant, machinery, and some magazine titles. Zig-Zag retained other publications which were to be printed at its old plant. Ironically, the transfer took place on February 12, 1971, Newspaper Day.

Thus was established the Quimantú National Enterprise, an efficient instrument of Marxist indoctrination. In addition to publishing

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various magazines, it has brought out Spanish editions of the following works along that line:

Marx and Engels, by D. Riazanov

Principles of Communism, by Frederick Engels

The Bolshevik Program, by Nicholas Bukharin

What is Historic Materialism, by Otto Kuusinen

What is Dialectic Materialism, by Otto Kuusinen

Biography of the Communist Manifesto, by D. Riazanov

Authentic Portrait of Lenin, by Henry Guilbeaux

The Childhood Illness of Leftism in Communism, by V. I. Lenin

What to Do? by V. I. Lenin

Selected Writings, by V. I. Lenin

The Peasant Wars in Germany, by Frederick Engels

The Paris Commune, by Karl Marx and V. I. Lenin

History of the Russian Revolution, by Leon Trotsky

Critique of the Gotha Program, by Karl Marx

Critique of the Erfurt Program, by Frederick Engels

Personal Recollections of Karl Marx, by P. Lafargue

Writings, by Giorgi Dimitrov.

Similarly, among its other publications Quimantú brought out in minimum editions of 40,000 copies the following "Popular Education Notebooks" of Gabriela Hernández and Marta Harnecker, a communist sociologist trained in Marxist indoctrination:

The Exploiters and the Exploited

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Capitalist Exploitation

Monopolies and Misery

Class Struggle (I and II)

Imperialism and Dependency

Capitalism and Socialism

Other books of national Marxist authors included:

Leninism and the Popular Victory, by Carlos Cerda

Chile: Medicine and Socialism, by Alfonso González D.

Historic Genesis of the Chilean Political Process, by Eduardo Ruiz, Hugo Zemelman, and Enzo Falleto

Selected Works of Luis E. Recabarren, Julio César Jobet, Jorge Barría, and Luis Vitale

The New Face of Facism, by Dick Parker

Africa, Past and Present, by Eduardo Ortiz

The Theory of the Proletariat, by Rodrigo Alvayay

Six Booklets on Marxist Interpretation, by Néstor Porcel

Regarding Marxism: Distances and Approximations, by Hernán Rosenkranz

Other works of propaganda and indoctrination are:

Fidel in Chile. Speeches given during his visit to this country.

Ten Days Which Shook the World (the first days of the Bolshevik Revolution), by John Reed

The Secret Documents of ITT, previously published by "El Mercurio"

Revolution, Congress, and Constitution. The Tohá Case, by Joan E. Garcés.

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21 volumes of the collection, "We the Chileans," whose print run was certainly 50,000 copies of each. Historical and sociological deformation is habitual therein.

The Quimantú National Publishing House also publishes books of general literature, like novels, stories, and poems, but written in their overwhelming majority by Marxist writers. An occasional work by writers of international fame cannot conceal the complete lack of pluralism which exists in this enterprise which is paid for by all Chileans, and whose losses, acknowledged by its own representatives, are enormous: 160 million escudos as of June 14, 1972 (2). There were, however, assurances that a million books published by Quimantú had been sold, but there is evidence of massive purchases by governmental enterprises.

There is no doubt that the engineered collapse of Zig-Zag has been ideologically profitable for Unidad Popular because of the flood of doctrinaire publications which have issued from its presses in something over one year of operations.

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(1) "El Mercurio", November 25, 1970.
(2) Id., June 14, 1972.

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ANNEX No. 2

SOME ASPECTS OF THE "SQUELLA AVENDAÑO" CASE IN INTERNATIONAL DRUG TRAFFIC

As a result of continuing surveillance maintained by agents of the United States Bureau of Narcotics and Dangerous Drugs over individuals who were reportedly expecting to receive a large shipment of cocaine coming from Chile, various traffickers were arrested at the Miami International Airport on July 27, 1970. Among those detained was Oscar Squella Avendaño, a former officer of the Chilean Air Force, who at that time was a high-ranking member of the political coalition "Unidad Popular" which was then working hard on the presidential campaign of Dr. Salvador Allende.

The recounting of facts during the trial subsequently took place, and which terminated with the conviction of Squella Avendaño and his colleagues, shows that the former arrived at the cited airport, coming from Chile, piloting his own C-46 aircraft, with a shipment of approximately 203 pounds of pure cocaine, packed in cardboard boxes which were transferred from the aircraft to a white 1970 Ford automobile rented by the accomplices of Squella Avendaño.

The account further shows that the principal personage in this episode was also a personal friend of the former Chilean President, with prospects for occupying a high position in the government should Mr. Allende win the election. According to the words of Squella Avendaño, himself, what happened in Miami caused him to lose that possibility. Nevertheless, he was the object of some special consideration once Unidad Popular had taken over the government and Squella Avendaño was being tried by the judicial authorities of the United States. While he was free under bail, the government of Mr. Allende gave a written guarantee to enable Squella Avendaño to go to Chile and return to the United States for the continuation of the case. That guarantee was requested by the prosecutor, in view of the fact that there was no Treaty of Extradition between the two countries.

The extraordinary aspect of this case of international drug trafficking lies in the negotiations which the Government of Chile carried on, with the prosecutor, Neal Sonnett, indirectly and with a request for no publicity, through the Defense Lawyer, Donald Bierman, seeking the

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withdrawing of the accusation against Squella Avendaño so that he could return to Chile a free man. The offer which the defense attorney made for an arrangement of the case had its basis in the nature and congeniality of the relationship between the governments of Chile and Cuba, and it consisted in the exchange of Squella Avendaño for three aircraft hijackers who after having killed a U. S. soldier in the State of New Mexico, had hijacked an aircraft, gone to Cuba, and were then residing there. Those hijackers belonged to the leftist organization known as the "New African Republic," whose objective is to establish a republic of people of African descent somewhere within the United States. The offer, made confidentially, became known to the Department of Justice of the United States which rejected the arrangement; subsequently, formal proceedings were initiated on January 24, 1972. Squella and his companions were found guilty of bringing drugs into the country and of possession, concelament, and sale of drugs in contravention of the pertinent laws, and they were sentenced to 15 years in prison. (1)

Shortly after the sentencing, and while Squella Avendaño was in the federal prison in Atlanta, Georgia, his wife was named by the Allende Government as representative of LAN-Chile in that city (where that airline company never had had an office), and she left Chile with an official passport issued by that Government.

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1. Hearings of the Subcommittee to Investigate the Administration of the Internal Security Act and Other International Security Laws, of the Committee on the Judiciary, of the Senate of the United States, on September 13 and 15, 1972. Part 3 of the International Connection.

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ANNEX No. 3

VISAS GRANTED BY THE EMBASSY OF CHILE IN CUBA

YEAR 1973 (until June)

Type of Visa	MONTH						
DIPLOMATIC							
	January	February	March	April	May	June	Total
Diplomatic mail	11	9	8	8	13	21	70
Official of the Embassy	12	4	6	5	7	9	43
Official mission - Special	23	14	14	37	40	17	145
Commercial mission	1	-	5	-	-	-	6
Scientific mission	1	-	-	-	-	-	1
Relatives	5	1	4	4	4	8	26
Others (in transit)				2	16	1	19
TOTAL	53	28	37	56	80	56	310
OFFICIAL							
Commercial mission	1	2	1	1	2	-	7
Special mission	15	9	42	20	25	13	124
Assistants of the Embassy	19	-	1	-	3	1	24
Sport mission	1	1	-	-	1	-	3
Cultural mission	1	-	1	-	1	17	20
Relatives	21	2	1	-	-	-	24
Other (in transit)	1	2	-	-	-	1	4
						6	6
TOTAL	59	16	46	21	32	38	212

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II. ECONOMIC ASPECTS

A. Industry, Commerce, and Finance

When Mr. Allende became President there was somewhat of a recession in commerce and industry. To take care of that situation and to provide the necessary stimulus to national development, the Minister of the Economy stated that it was necessary to increase government spending and to increase the supply of paper money.

The above-mentioned official based himself on the concept that:

> "the established industries--on the model of the capitalistic system--have a great idle capacity which, under the pressure of demand for consumer goods generated by the great mass of money made available in the country, would be completely filled, thus permitting the full use of the industrial infrastructure, with the consequent increase in productivity and reduction in costs."

The enormous demand that did actually occur caused an initial increase in production, which was not kept up in a sustained way because the excess capacity of industry had been overestimated (among other factors). As a result there began to be a shortage of goods, thus creating favorable conditions for stimulating inflation. In the face of inflation, instead of doing something to contain it, the government proceeded to issue more paper money, without being concerned about the effects.

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Result of the shortage of supply. The sign is most illustrative.

[Sign] THERE IS NOTHING

DON'T INSIST

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This economic policy was accompanied by other measures that were applied immediately, such as substantially increasing wages and freezing prices in general.

During the first year there was apparent prosperity; everyone lived better because everyone earned more and spent more, owing to a generous increase in salaries and wages while a price freeze was imposed by the government, ignoring the fact that for Chileans this million-escudo deal not only would last a short time but would create great problems for the family budget and, for the government, a large deficit in the balance of payments.

In order to cover the budget deficit the government began printing banknotes, which in 1971 amounted to 20 billion escudos--equal to one billion dollars according to the official rate of exchange at that time--representing an increase of 132.7%, which ended during the last eight months of the Unidad Popular government with the printing of 216 million escudos' worth of banknotes.

The resulting inflation was accompanied by an acute shortage of basic commodities because capital reserves dried up. But no one in the government showed any concern inasmuch as the economic slump, the industrial recession, and the erosion of salaries and wages by inflation seemed to be the result of the cold and mysterious calculations of the

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government economists, as part of the strategy intended to destroy the "capitalistic economy" completely and to build on its ruins the new socialist economy.

The management of the Chilean economy was entrusted to the Communist Party, which, by employing foreign specialists and by means of a perfectly outlined plan, intended gradually to replace private enterprise by State enterprise. If this had succeeded it would have meant a complete Communist Party takeover of the social and economic powers.

The economic disaster compelled the importation of close to 600 million dollars' worth of basic commodities --most of which Chile used to produce before the Unidad Popular administration-- using the proceeds from the sale of copper to pay for those imports.

Shortages were so great that families had to stand in queues for 24 hours.

Per capita income, which in 1970 was $600, declined to $550, or a 10% reduction, while inflation in 1971 rose to 163.4%; it increased to 174% in February 1973 and 283% in July.

The rate of exchange on the black market rose to over 2,000 escudos to the dollar, while a Chilean unskilled worker earned between 3 and 5 dollars a month and a technician the equivalent of 40 dollars a month.

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Long lines of people who waited entire days and then had to turn back without obtaining what they needed for their sustenance.

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The shortage of essentials became so critical that housewives of all social levels had to wait for more than 24 hours in line in front of shops in order to buy whatever was available.

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The copper industry--the backbone of the Chilean economy--suffered losses amounting to 500 million dollars by the end of 1972, according to the report of the Copper Corporation (CODELCO). See Annex No. 5 and No. 6.

Subsequently, as the situation deteriorated, the population's supply shortage grew progressively worse. The people consequently began to show their distrust and tried by every means to obtain goods, of any kind, to the extent that money was available.

Because of failure to eliminate its causes the situation continued to deteriorate, tending toward hyperinflation inasmuch as the price increases exceeded the amount of currency in circulation. Naturally, as soon as there were indications of a shortage of supply, the black market began to operate and flourished as time went on. Nearly all Chileans became speculators. The need to prevent speculation generated the need for controls, which in turn led to State control of private enterprise as a means of ensuring that there would be no monopolistic practices, especially if they were engaged in by an enterprise that did not support the government.

After Mr. Allende became President, industry went through a period of uncertainty, which lasted for about ayear. At the end of that time the government began to nationalize private companies at such a pace that approximately 400 companies were incorporated into the "social sector".

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"La Papelera", a paper company, was one of the few private companies that was not placed under government control owing to the tenacious defense put up by its owners united with its workers, thus avoiding the takeover and bankruptcy of many connected companies and of the Press (newspapers, magazines, printing establishments).

Likewise, in the banking sector, only three private banks were not nationalized.

The methods used by the government to socialize the enterprises varied, being characterized by a progressive use of illegal methods.

a. The first method used was that of acquiring control of a company by purchasing a majority number of its shares. Such purchases were made through the Coporación de Fomento (CORFO), an activity that was alien to its purpose.

b. When the above-mentioned method no longer succeeded, usually because the companies refused to sell, expropriations were instituted, which were declared unconstitutional by the Supreme Court.

c. Going beyond the preceding methods and on the basis of a Decree enacted more than 30 years ago, the period of requisitions began. Despite the fact that the above-mentioned Decree was applicable only in special cases, for a specific type of activity, and specified the duration

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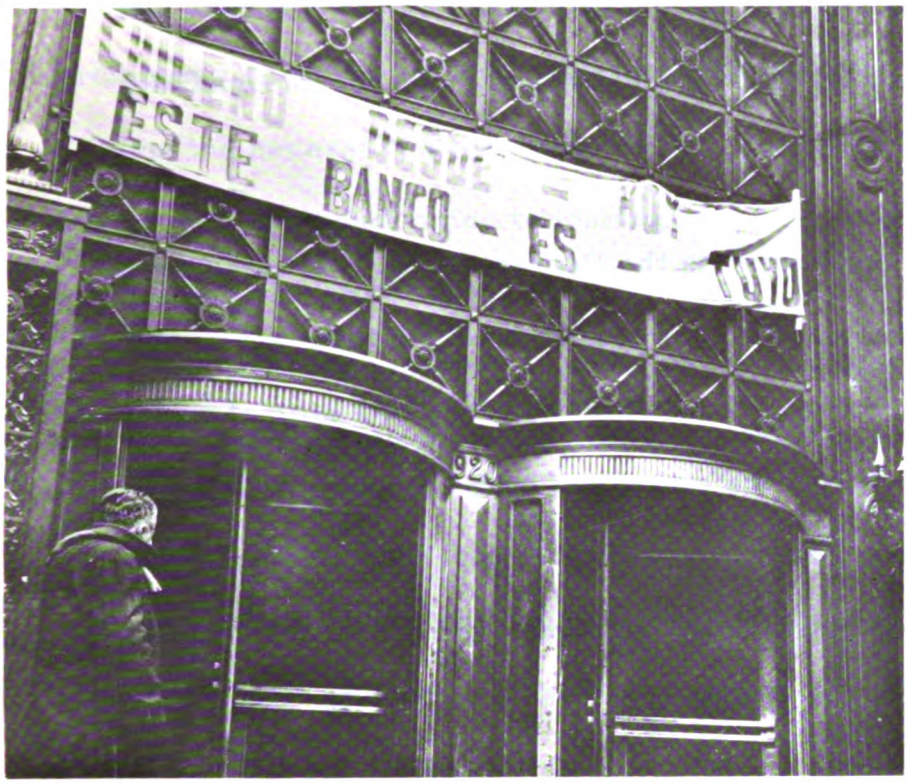

In open violation of the law, the Development Corporation (CORFO) seized the privately-owned Banca Comercial.

[Banner over Bank]

CHILEAN: HENCEFORTH THIS BANK IS YOURS

Many industries were nationalized. They ranged from the most important to those of no economic importance.

[Sign] ALUSA [company]. THIS COMPANY WAS "TAKEN OVER" BY DECISION ITS WORKERS.

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of State intervention, the government proceeded to interpret the text and applied it to practically any type of activity and for an indefinite period of time.

As a result of implementing the Decree, labor conflicts arose justifying the intervention of the government, which then appointed a Supervisor for the purpose of solving them. Once this official was installed he proceeded to administer the enterprise with complete freedom of action, committing the owner (or owners) to a series of investments which, added to uneconomical management of the property, caused the bankruptcy of the owner (or owners).

Frequently, the Office of the Comptroller General of the Nation declared a great many of the requisitions illegal.

d. As a direct result of this last fact and to take care of any confrontation with the Office of the Comptroller General, the government proceeded to apply the Decrees of Insistence, a juridical tool provided for the purpose of overcoming differing criteria of interpretation between the Judiciary and the Executive, whereby the latter managed to impose its decision.

The nationalized enterprises, in addition, were then placed under the management of boards of directors who were appointed according to a "political quota" agreed upon among the various factions of the Unidad

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Popular régime. The Directors and Supervisors, in demagogic fashion, promoted a massive influx of officials into the enterprises, thereby multiplying the necessary personnel by five; this was combined with a practically exclusive dedication to ideological indoctrination to the detriment of efficiency in production, which caused a decline in such production, as well as increasing erosion of capital, aggravated by the prices imposed by the government on products, which were always lower than production costs.

As a consequence of the situation outlined above, not a single new industry was established during the period of the Allende government.

Likewise during that period the government promoted an acceleration of the Agrarian Reform, in the form of expropriations or occupations, which led to a gradual destruction of the agricultural and livestock infrastructure as a result of the lack of, or limited operation of, farms by those who took charge of them. This reduction in agricultural and livestock production had to be compensated by an increase in food imports.

If we add to what has been described above an exchange policy bent on keeping the rate of exchange of the dollar at a very low level, maintaining internal lines of credit which were never covered, etc., it is understandable how and why the general balance of the 1971-1973 period showed, on the one hand, that the liabilities amounted to $998.3 million dollars

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and, on the other hand, that the reserves were reduced by 343 million dollars, that is to say that the country had a net unfavorable balance of $1,341.3 million dollars during the period analyzed.

To illustrate this point we have attached, as Annex No. 4, the Introduction to the Conjuncture Report No. 4, published in Santiago by the Sociedad de Fomento Fabril [Industrial Development Corporation] in July 1973.

B. Supply

During the first year of the Allende government the supply situation remained approximately the same as under the previous government. Nevertheless, it was perfectly well known that the Unidad Popular government wanted "to acquire economic control in order to obtain political power," since statements of this kind were made by its supporters whenever a political rally took place.

As a result of the foregoing, constant economic and political pressure was brought on certain large enterprises, in this case distributing companies, in order to have the three large foreign (British) companies sold to the State, which led to the creation of a national distributing company, the Distribuidora Nacional (DINAC).

As soon as it was established, DINAC began to apply a selective criterion of supply. The government brought pressure on industrialists

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so that they would market their products through DINAC and on merchants so that they would buy goods from it, exclusively.

The government also borught pressure so that the remaining distributing company, the Compañía Distribuidora Nacional (CODINA), would fall under its control. Such pressure was brought to bear directly by President Allende himself and by the then Subsecretary of the Economy, among others. This action was reinforced by labor conflicts created within the company in order to speed up its takeover. In order to obstruct the government's intended takeover, an idea advocated for some time by certain free enterprise leaders was put into effect and, on the basis of a law permitting the setting up of purchasing cooperatives, in January 1972 CODINA was sold to four retail trade and small industry associations (the Central Chamber of Commerce, the Confederation of Small Industry, the National Register of Merchants, and the Confederation of the Retail Trade) for the purpose of turning it into a cooperative, which was then called the National Supply and Distribution Cooperative (Central Nacional de Abastecimiento y Distribución - CENADI).

The political distribution achieved by DINAC was assisted by the establishment of the Supply and Price Boards (Juntas de Abastecimiento y Precios - JAP), created by the Executive. The Supply and Price Boards were directly under the Office of the Director of Industry and Commerce (Dirección de Industria y Comercio - DIRINCO) and their purpose was

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defined as "achieving a more rational distribution of goods, especially food products." These Boards were declared illegal by the Office of the Comptroller General but they continued to function.

Merchants as well as consumers had to obtain, in order to get what they needed, a card issued by the JAP of their district. Obtaining such a card meant submitting and adhering to a certain ideological tendency (depending on who ran that particular JAP) as well as economic and practical support of the latter (donations, participation in political rallies, etc.).

Apparently the intention was to control the population of all Chilean neighborhoods, and the JAP delegate set himself up as "Political Commissar of the Block" who, by attacking the people through their stomachs, made himself the "master of people's lives and homes."

In order to increase its intimidating effect, the JAP created a corps of inspectors who, in practice, devoted their time to persecuting the nonaligned merchants.

The situation described above was distorted still further by the municipalities who granted, free of charge, large quantities of business licenses which practically quintupled the number of established businesses; usually they were in private homes, JAP warehouses, etc.

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The system of "preferential distribution" of goods resulted in operating difficulties for many businesses, which at the same time were "persecuted" with fines, inspections, etc. This forced a large proportion of business (about 25%) to go bankrupt and close their doors.

The "political" and abnormal distribution system (such as the supply of JAP warehouses and private homes) led to an artifical shortage of goods.

Another distorting factor appeared and that was the way in which the government compensated the aligned workers in the factories by granting them "compensation certificates." In this way the worker or employee received goods produced by the factory at cost and on very long-term credit. This procedure increased the supply of goods to private homes.

All of the above created and promoted a ferocious black market, an enormously lucrative activity which tempted many persons to leave their jobs in order to devote themselves full-time to their new occupation.

Private enterprise, affected by this dislocation of supply, attempted to defend itself by influencing trade association members not to operate through the JAPs and to buy their supplies from CENADI (formerly CODINA).

It became obvious that the Allende government was seeking the complete elimination of private enterprise--and thus to achieve its objective of completely dominating the economy--when, despite having put

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into effect the procedures outlined above, it fomented a wave of terror against private enterprise. Merchants saw their stores broken into, were subjected to threats and attacks, were imprisoned on various pretexts, and also had to suffer the attempts to storm the warehouses of their purchasing cooperative.

Annexed hereto, because they are considered to be of great interest, are a series of documents which prove that the government knew beforehand about the problems reported:

1. Statute of guarantees of the Confederation of Retail Trade and Small Industry (Annex No. 7).

2. Manifesto, of the same Confederation, to the Trade and to Public Opinion, dated November 6, 1972 (Annex No. 8).

3. Editorial of the Revista Oficial [Official Review] of the above-mentioned Confederation, No. 9, August-September 1971 (Annex No. 9).

4. Open letter to the Minister of the Economy, submitted by the same Confederation on August 31, 1971 (Annex No. 10).

5. Memorandum delivered to the Minister of the Economy by the merchants on October 20, 1971 (Annex No. 11).

6. Letter addressed to the Director of DIRINCO on October 6, 1971, regarding the ad-honorem inspectors (Annex No. 12).

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ANNEX No. 4

Situation Report No. 4

INTRODUCTION

This report confirms and brings up to date the situation studies carried out during 1971 and 1972 by the Economic Committee of the Society for Worker Development.

The purpose of this analysis is to determine and evaluate the behavior of the principal short-term economic variables, as well as to project and forecast the alternatives which will occur during the coming months, within the context of the policy which the present government is following.

This report centers on the study of the basic variables affecting the present economic situation, which are: public expenditure expressed in the fiscal budget, monetary policy, and foreign trade. The behavior of the real sectors, like industry, agriculture, mining, and construction, is also analyzed.

These subjects, by themselves, do not totally cover the entire economic problem, but they make up its most important elements. The behavior of other variables like wages, employment, savings, and investment will be briefly analyzed in this introduction because, to the extent that the economy is socialized, they are increasingly dependent on the basic variables listed above.

Situation during 1972

As was analyzed in the previous situation report, the inflationary pressures accumulated as a consequence of the economic policy followed by the Government broke out violently during the second half of 1972, and as of December the price level had increased by 163.4%, reaching its highest level in the history of the country.

The economic activity of the real sectors declined, because they had exhausted their capacity for growth during 1971. Important decreases were evident in agricultural production; new housing construction starts were down by 50%; industry grew by 2.5%, but from September on there

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were monthly decreases in production. In mining, only copper showed a slight increase of 1.2%, but nitrates were down by 13%, iodine by 21%, iron by 23%, coal by 12%, and oil by 1%.

In a situation in which overall production was decreasing, the government maintained a high rate of expenditure, generating a deficit of E° 24,600 million, equivalent to 40% of the total budget, which was translated into heavy issuances of money. This situation was aggravated by the increasing deficit of the enterprises in the social area, and in the end required a 164.9% increase in the money supply.

Domestic problems of production considerably affected consumer supplies while at the same time increasing the pressures for imports, especially in the category of food. There was a continuing deficit in the balance of trade. The current account of the balance of payments was negative by $644 million dollars, and the total deficit was $378 million dollars. The need for imports of goods and services beyond the capacity of the export sector to generate foreign exchange carried with it significant foreign indebtedness.

The decreases in production and the limiting of foreign trade coincided with a policy of increasing the means of payment, thereby inevitably generating serious financial disequilibriums which were expressed in accelerated inflation, supply shortages, black markets, and queues.

Nevertheless, the expansionist policy made it possible to maintain a high level of employment even when production did not increase, which would be indicative of a reduction in the overall productivity of labor. The figures for lay-offs were 3.6% in December of 1972, slightly lower than those of the same month for the previous year, which were 3.8%. However, the coefficient of employment, which measures the ratio between employed and unemployed persons, decreased from 49.3% in December 1971 to 47.9% in December 1972. During that year the number of workers increased by 24,000 in greater Santiago, while during the previous year the increase had been 75,000 persons.

The investment indicators calculated by the University of Chile show a decrease of 5.3% in gross domestic investment during 1972. This situation, in itself serious for future development, is accentuated if it is noted that during 1971 domestic investment had already decreased by 8%.

The overall index for wages and salaries shows that during the period January 1972 to January 1973 workers wages increased by 181.8%

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and the salaries of employees rose by 163.8%. This means that in real terms the income of workers increased by 0.5%, while that of employees decreased by 5.8%.

The general rate of growth of the National Product, estimated provisionally by ECLA, shows an increase of 3.8%, placing Chile among the countries of this continent with the least development. Further, University of Chile estimates show that the Domestic Product increased by only 0.8%, with a decrease of 1.4% in the goods-producing sector and an increase of 3.1% in the services sector. On the basis of these data, the conclusion is that the growth of the country was very small or even nonexistent, depending on the source of information used.

In summary, during 1972 the Chilean economy suffered important setbacks, the rate of inflation was considerably accentuated, financial disequilibriums were propagated throughout the system, problems of supply were sharpened, the level of foreign debt accumulation increased, the wage index did not enjoy substantial improvement, and domestic saving continued to decrease. Nevertheless, despite the negative results and the irrefutable evidence of the economic indicators, general economic policy was not significantly changed, nor were effective measures taken seeking to re-establishing normality in the basic activities of production.

Projections for 1973

The general deterioration suffered by the economy in 1972 will clearly project into 1973. In fact, the indicators for production, foreign trade, money, and public expenditures not only do not indicate any improvement, but rather, on the contrary, they tend to intensify the regression noted during the previous year.

In the productive sectors there is a clear downward tendency. Data covering the first months of the year make it possible to project decreases in industrial production on the order of 6%. In agriculture, the forecast is for a crop decrease of 13%. In mining, it is estimated that iron production will continue stationary, nitrates will decrease by 7%, and oil has decreased by 4.7% during the first quarter of the year. The indicators for copper production show decreases for the first month of the year, a situation which is aggravated by the conflicts in El Teniente, which leads to forecasting a probable decrease in production of up to 5%. Construction activity will be slowed down by the existence of a tremendous amount of housing now under construction, held over from previous years because of problems of supply, worker productivity, and financial limitations.

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The fiscal deficit will reach extraordinary magnitudes; it is estimated that it could reach 45% of the budget. The social area will increase its losses, creating a deficit even greater than that of the government's budget, which will require increasing the money supply to unsuspected levels. The information included in the monetary portion of this report indicates that the money supply will increase by between 303% and 370% in the course of the year.

The decreases in production which are forecast, combined with increases in public expenditures, with the deficit in the social area, and with the issuance of money which they involve, shape up to a very large financial disequilibrium which can lead to inflationary pressures of the order of 350% to 400%. If these pressures are contained by maintaining an artificial rate of exchange or by fixing prices below costs, the inflationary impact could be postponed for a short period, but this would inevitably be translated into an increase in shortages and expanding of the black markets.

The external sector of the economy will show an important increase in exports, deriving from the high price of copper, but even so imports will be still greater, continuing the deficit in the balance of trade. In this situation report it is considered that there will be serious restrictions on imports during the second half of the year and that, despite this, the country will have to use at least $450 million dollars in foreign credits to solve its balance of payments problems. This figure indicates an improvement over 1972, when the additional indebtedness of the country reached $644 million dollars.

The information compiled in this report and the projections derived from them show that the difficult economic situation the country is undergoing will tend to become more acute unless basic correctional measures are applied to present economic policy.

Although on other occasions the conclusions of our studies have been disregarded by the authorities, we believe it is pertinent to repeat the conclusions of our 1972 situation status report: "In summary, the economic situation shows up as difficult and complex. The existing disequilibriums between the financial and productive sectors will be accentuated, increasing the inflationary pressures, while the trend towards increasingly widespread shortages will continue. Foreign trade will enter a critical phase of restrictions which will hobble the normal development of the economy. The levels of investment will be lower than those of the previous year and insufficient to generate an even modestly satisfactory growth of product. The rate of growth of the real productive

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sectors will decrease considerably, and the trends toward un-employment will slowly be accentuated."

"The indicated analysis shows beyond question that it is imperative to begin as soon as possible to rectify the economic policy being followed, placing emphasis on reestablishing conditions of general equilibrium and giving priority to the objective requirements of growth in the real productive sectors. The foregoing statements are valid no matter which may be the economic scheme of ownership of the means of production which the society wishes to have, and they are decisive if it is desired to stop the slow but sustained deterioration of the economic situation of the country."

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ANNEX No. 5

PORTION OF THE ADDRESS DELIVERED BY THE MINISTER OF FOREIGN AFFAIRS OF CHILE, VICE-ADMIRAL HUERTA DIAZ, DURING THE FOURTH REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES, HELD AT ATLANTA, GEORGIA, FROM APRIL 19 TO MAY 1 OF 1974

The Government initiated a frontal assault against individual guarantees. It violated the right of assembly, it curtailed the right of information, it deprived small and medium farmers, industrialists, and merchants of their assets.

Its economic policy had a single and declared objective: to secure political control of the country. For this, it did not hesitate to ruin the national economy and to install, as a system, social chaos. In agriculture, wheat production decreased by 45%; corn by 25%, potatoes by 25%. Mining production decreased by 20%, that of industry by 10%. In the construction sector, vital in a country which suffers from an endemic shortage of housing, the decrease was close to 40%. Last year, Chile had the Latin-American record for non-growth: the domestic product decreased by 4.1%.

This economic disaster was also reflected in the balance of payments. Thus, as of September 11, 1973, the figures for foreign exchange reserves of the monetary system showed a net negative balance on the order of 600 million dollars, in circumstances under which the Unidad Popular Government has assumed control over the country when it had positive net reserves on the order of 340 million dollars. In other words, because of the increase in imports and the decrease in exports, during the three years of the Unidad Popular Government Chile lost around 1,000 million dollars in reserves, to which must be added an increased medium-and long-term indebtedness in an amount greater than 800 million dollars.

The consumer price index, which was 134.9 when the Unidad Popular Government took office, had reached 1,271.07 by September 1973, representing an increase of almost one thousand percent. The index of currency issuance was 144.35 in November 1970, and in September of 1973 it reached 3,325.97, which is equivalent to an increase of more than 2,300 percent.

To this economic calamity was added a generalized shortage of basic commodities, which gave rise to a black market--in which the

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sympathizers of the regime trafficked--, with its sequels of hunger, injustice, and immorality. So it is that, during the past winter, Chile saw long lines of women and children who patiently waited up to six hours in order to obtain a kilo of bread, while some privileged persons, members of the marxist parties, were reaping easy profits by selling oil and other scarce goods at more than two to three times the official prices.

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ANNEX No. 6

EL MERCURIO - Friday, July 21, 1974.

Between 1970 - 1973 Chile Lost 1,895 Million Dollars

DRAMATIC BALANCE SHEET

The Vice President of the Central Bank, Jorge Cauas, explained that Chile lost 1,895 million dollars in resources between 1970 and 1973, as a result of the decrease in net bank reserves and an increase of more than 800 million in its foreign debt.

The net foreign debt of the country increased from 2,632 million dollars to 3,455 million dollars between December 31, 1970, and December 31, 1973.

Net bank reserves went from 343 million dollars to a negative balance of 729 million dollars. As a consequence, said Cauas, the picture of the total losses for the country during those three years is the following:

Increase in foreign debt: 823 million dollars (difference between 1970 and 1973).

Net decrease in bank reserves of 1,072 million dollars (difference between 1970 and 1973).

Total resource loss: 1,895 million dollars.

The well-known economist, who gave up an important overseas post to cooperate in the tasks of reconstruction, revealed that as of December 31, 1973, the exports of goods and services totaled 1,443 million dollars, but imports rose to 1,764 million, a figure without precedent in the history of the country.

As of that date, the Balance of Payments showed a negative balance of 253 million dollars, the net reserves of the Central Bank and the commercial banks also showed a loss of 729 million dollars, and the foreign debt rose to 3,455 million dollars.

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Cauas spoke during a luncheon at the Club de la Union, at a table headed by Rodrigo Flores, President of the Institute of Engineers; Sergio Lorenzini, Secretary; Ricardo Edwards, First Vice President.

FOREIGN TRADE

The Vice President of the Central Bank began his presentation with a general description of the foreign trade of Chile during the last ten years. He stated that in 1964 Chilean exports of goods and services reached 675 million dollars, of which 360 million were from exports of copper.

The graph of exports maintained a continuing upward trend with the exception of 1972 when it dropped for the first time, he indicated.

In 1970 Chile exported goods and services for a total value of 1,254 million dollars (839 million for copper), but in 1972 foreign sales declined to 960 million dollars, the lowest in the present decade. In 1973 there was again an increase, with the value reaching 1,443 million dollars as of December 31 of that year, of which copper represented a total of 1,088 million, the highest figure in the history of the red metal in this country.

Jorge Cauas pointed up, however, that while exports were increasing, imports were also increasing, until they reached unprecedented figures during the three years of the preceding Government.

In 1964 the country's imports were 713 million dollars, and they were held at that approximate level until 1970, when they rose to 1,160 million dollars. In 1973, imports reached 1,764 million dollars, also the highest figure in the history of the country.

Of these imports, the portion corresponding to food rose slowly from 199 million dollars in 1964--with relative stability during the rest of the decade of the 60's--to 383 million in 1972 and 595 million in 1973.

BALANCE OF TRADE

The speaker next referred to the situation of the Balance of Trade, that is, the difference between imports and exports of goods and services. He stated that during all of the decade of the 60's--with the lone exception of 1964--Chile had a positive balance of trade. However, this pattern was broken in the three years of the Unidad Popular Government. In 1971--he added--we had a deficit of 67 million dollars, in 1972 one of 469 million, and in 1973 one of 319 million dollars.

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BALANCE OF PAYMENTS

With regard to the balance of payments, that is, the difference between imports and exports of goods and services plus capital flows, he said that this was also highly negative. He stated that in 1964 there was a negative balance of −4 (minus four) million dollars. In 1970 the deficit was 99 million dollars, reaching − 309 (minus three hundred and nine) million dollars in 1972, and −253 (minus two hundred fifty three) million dollars in 1973.

THERE ARE NO DOLLARS TO BURN

At this point in his presentation, Cauas warned against an idea which might arise in some sectors of the citizenry, in view of the figures on the reserves of the Central Bank, that "Chile now has dollars to burn."

"No", he explained, "There are no dollars to burn or to spend without restraint."

People today, he said, tend to confuse the balance of payments of a country with its reserves in the vaults of the Central Bank.

The reserves of the Central Bank, he indicated, represent short-term assets and liabilities, and the balance between these, whether positive or negative, is given by the difference between those assets and those liabilities.

1,895 MILLION DOLLARS LESS

The Vice President of the Bank explained that the net reserves of the Central Bank underwent a decrease of 1,072 million dollars during the three years of the preceding regime.

To that loss, he said, should be added an increase of 823 million dollars in the foreign debt of the nation during the same period, which means that Chile lost 1,895 million dollars in resources in three years, a figure which by itself eloquently portrays the catastrophe to which the country was brought.

In expanding his remarks regarding the foreign debt, Cauas indicated that in 1964 Chile had a net indebtedness of 1,030 million dollars. In 1970 the debt had risen to 2,632 million dollars. During the following years, the preceding government raised it to 3,455 million dollars. He underlined that these figures are provisional and approximate the true figures which are still the subject of study in view of their immense complexity.

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SOLUTIONS

As a consequence of the magnitude of the calamity, he said, Chile found itself facing a critical situation in its international relations, since it was obliged to suspend payment of its debts and, as a consequence, found its credits strongly cut back.

As a first step towards emerging from the dilemma, he said, the new Government provided for resuming payments on the foreign debt through a new renegotiation, which relieved the balance of payments of the country. The increases in copper prices and production helped to improve the position of the country.

As a result, at the end of this year(1974) Chile will have its balance of payments in equilibrium. "We believe," he said, "That the improved situation of the balance of payments should help in taking the pathway of opening up foreign trade. This means to increase imports and exports. We would gain nothing from having a balance of payments in equilibrium at zero, for example. What is sought," he added, "is to maintain a balance of payments in equilibrium, but with permanently increasing activity."

FOREIGN EXCHANGE POLICY

With regard to the constant increases in the price of dollars, he said that the value of money should be considered as one more price in the total range of financial activities. Therefore, he added, we seek to have this price be the true price. Experience, both in this country and in other nations, has shown that the maintaining of a fictitious price for dollars leads to pressures which inevitably cause serious and lasting harm. To do this, he said, would be equivalent to imposing a tax on exports to subsidize imports; it would bring about a crisis in foreign trade; and in the end it would accelerate inflation.

TARIFF MEASURES

In summary form he made known the recent tariff decisions, especially the elimination of the obligatory deposit of 10,000 percent on more than 3,000 classes of imports. "Our intention, as has been stated repeatedly--he said--is to progressively decrease tariffs until they reach a maximum of 60 percent by 1980."

He then cited the following measures adopted to expand foreign trade:

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1. Sale of foreign exchange to the banks for operations contracted for under the system of letters of credit, for 150 days; and for 90 days for other operations contracted for under the system of collections (including quotas for deferred payment; payment orders, and others, as well as for all those listings under invisibles of trade which have to be contracted for in the bank futures market).

2. Issuance of Certificates for Coverage in the Banking Market.

3. Authorization of banking enterprises to carry out exchange operations for invisibles of trade.

4. Normalizing of foreign payments of financial debts which are pending.

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ANNEX No. 7

V. - THE STATUTE OF GUARANTEES

As a consequence of the difficult situation of business, the National Board submitted for consideration by the Executive Council of the Federation, held March 11 and 12, 1972, in the city of Viña del Mar, a draft of a Statute of Guarantees to be presented to the Government, which would make it possible to give to our sector the confidence and reassurance necessary for us to continue to carry out our activities in the service of the consumer public.

As we stated publicly, this Statute of Guarantees was in fact a statement of petitions which the Retail Trade raised with the Government, in which we clearly specified 14 points on basic subjects fundamental to our activities.

After the National Executive Council of the Confederation gave its approval to this Statute of Guarantees, we initiated the pertinent conversation with the authorities of the Ministry of Economy to lead to the signing of this document which is vital for the merchants of the country.

The authorities were in agreement, in principle, with eleven of the points of this Statute, but rejected those which were most important for business and which were precisely those which would bring about the necessary stability we were so insistently requesting.

What were those three points in conflict?

We asked that an end be put to trading with and direct sales to the public on the part of others than Retail Merchants, whether through the activities of State, mixed, or community enterprises. That is, that the Established Retail Merchant should be recognized as the final element of contact between the producer and the public consumer.

We asked that the functioning of the Supply and Price Boards should be regulated by laws which would establish their structure, their attributes, and the manner in which Business would participate through its representative associations.

We asked for the elimination of the so-called honorary inspectors.

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It was then that an orchestrated campaign was unleashed by all of the informational organs of Government, radio, press, and television, which made all sorts of damaging statements against this Confederation and most particularly against our National President.

Those attacks, emanating from all of the official sectors, accused the National Directors of not wishing to sign the Statute of Guarantees which the Government offered to Business--under circumstances, in which it was publicly known that the Government was not the author of that Statute.

The authorities of the Government and of its informational organs did not think that our association in a disciplined and responsible manner, would make its voice of protest heard from Arica to the Straits of Magellan; however, it was thus that the association categorically and energetically rejected those unjust attacks and calumnies, stating that Business demanded a solution to its problems and that therefore the association fully supported its national directors.

The National Board fulfills a duty in expressing, in this Report, its most sincere recognition and appreciation to all of the directors and to the general membership of all our affiliated organizations throughout the country for the courageous position taken in defense of the Confederation.

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ANNEX No. 8

TO BUSINESS AND PUBLIC OPINION

The National Chamber of Commerce for Established Retail Merchants and Small Industry of Chile fulfills its duty by bringing to the attention of the large sector of Business which it represents, as well as to public opinion in general, the fact that a decision has been taken, in conjunction with the other sectoral associations, to end the movement under which our activities were suspended as of October 12, and to order the renewal of work as of November 6.

In the light of this fact, which signifies the starting up again of the country's most important activities, this Confederation considers it of the highest interest to point out the following:

1. National Representation

Our trade association has 400 affiliated institutions throughout the country, all integrated into the Confederation through its 25 Provincial Federations, which means that 110,000 businessmen are gathered together in our organization throughout the national territory.

From the beginning, our Confederation pointed out clearly to the Government that its purposes were only to maintain permanently a constructive position, authentically representative of our Association, with reg ard to the plans and projects of the Government.

The record of this positive position of our unions and associations is clear to the Ministers and other authorities in the economic sector whom we informed opportunely of the problems and the concerns of Business.

This attitude was recently reiterated by means of the conversations held with His Excellency, the President of the Republic, and the Honorable Ministers, on the occasion of the conflict with the unions and associations, in which it was clearly demonstrated that the only thing we seek when we have a dialogue with the Government is to find the solution to our problems and to achieve peace and tranquility for the thousands of small and medium independent workers, in order to continue contributing our efforts for the benefit of the country and of the consumers.

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2. Union and Association Unity

We believe that this joint movement has been a great experience for us, because it made possible the unity of all of the unions and associations representing the various activities of our nation.

We were well aware that we were no longer requesting the solution of those problems which affect commerce exclusively, but rather that we were also asking a hearing for the concerns of other important sectors which saw their common aspirations threatened.

Our Confederation participated in a disciplined manner in the National Headquarters of the Associations because it believes that the esential elements are the unity achieved and the ability in the future to fight and face together the problems of the varied associations of Chile, that is, the maintaining of our prerogatives, the representation of our legitimate concerns, and the ability to express them freely.

It is fitting to recognize that with the ending of our joint movement, the real winner is CHILE.

By the firm position they took, the unions and associations have demonstrated to the entire country that, through united and coordinated action, workers can make themselves heard and make their rights respected, and that the authorities have the duty to consider their problems and concerns, in order to provide the appropriate solution for them.

3. Guarantees Obtained from the Government

Almost every one of the proposals put forward by Business received a favorable reply from Government, and on this subject it is appropriate to point out the most important of these:

- Official recognition of our National Center for Supply and Distribution--CENADI--and support for guarantees that it will remain in the private area of the economy and that it will receive adequate supplies from the enterprises of the government sector. In addition, it will continue to have the distributional representations which it now has.

- The established retailers are recognized as the final element of contact between the producer and the consumer public.

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— The Supply and Price Boards--JAP--are not authorized to sell goods directly to the public, and their powers will be duly regulated, with representatives of the union participating therein.

— Legal status will be given to all Purchasing Centrals and Savings and Loan Cooperatives of the merchants, and they will be assured of timely supply by DINAC.

— The Council of our Social Welfare Fund is to be established as soon as possible in order to permit it to commence activities and provide to its participants the benefits which are authorized by law.

It is necessary to refer to statements made by some representatives of the Government who seek to make people believe that our strike movement has been ended because of threats.

To them we state categorically that our joint movement has not ended. It has merely been suspended by common agreement with the other organizations in conflict, and we shall remain on permanent alert until the final agreements reached with the authorities are complied with.

We have confidence that the commitments undertaken by the Government, through the President of the Republic and his Ministers of State, will be complied with.

4. Recognition in Closing

In starting to work again after a paralyzation of activity for 25 days, a historic fact without precedent in our country and perhaps in the world, we believe it our duty to make public our appreciation to the unions and associations, to their leaders, and to the merchants in general, together with their families. Our special recognition goes to the directors and merchants who suffered arrest and incarceration only because they courageously defended the rights of their institutions and the just aspirations of the unions and associations.

We also express our deep appreciation and recognition to the following sectors which resolutely supported and backed us:

— To the thousands of housewives and consumers of the country who, in a praiseworthy manner, understood the justice of our position, making sacrifices in order to endure the difficulties inherent in the closing of commercial establishments.

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— To the independent newspapermen who supported our joint movement at all times, and whose participation was vital for its success.

— A special recognition to the congressmen and assemblymen of the various political groups who supported our cause.

— To the ex-Presidents of the Republic, Messrs. Jorge Alessandri and Eduardo Frei, who visited us in the Public Jail and who encouraged us by their presence.

In a word, we wish to thank most sincerely all of the Chileans who felt that our movement was interpreting their views and who, in one fashion or another, expressed their support and backing.

To all of them we say MANY THANKS.

SANTIAGO, November 6, 1972.

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ANNEX No. 9

EDITORIAL

POSITION OF THE CONFEDERATION OF ESTABLISHED RETAIL MERCHANTS AND SMALL INDUSTRY OF CHILE CONCERNING THE SITUATION OF SHORTAGES OF COMMON CONSUMER GOODS

Our Organization and its Directors are aware of the responsibility they have at this time in directing and managing the destiny of RETAIL TRADE in the process of change through which our country is presently passing.

Further more, our responsibility is increased by the knowledge that we represent and defend the situation of the great majority of small and medium businessmen, merchants and industrialists, scattered throughout our territory from Arica to the Straits of Magellan.

Therefore, action by our unions and associations has been directed, within the scheme of social and economic development of the country, towards maintaining a frank and direct dialogue with the Governmental authorities, especially those responsible for directing the economic policy of the Nation, to whom we have offered our collaboration for those aims which we may achieve for the benefit of the community.

In addition, we have expressly reserved our right to make known, to whomever it may concern, our disagreement should any attempt be made to violate our rights or should there be a threat to the security and stability of our commercial activity.

In line with this position, through documents or personal interviews with the Minister of Economy and the appropriate Authorities, we have, on numerous occasions, raised the various problems related to the process of supply and distribution which affect the normal activities of the Established Retail Trade, including: price policy and marketing margins; credit policy, especially in relation to the Purchasing Centrals and their fundamental role in supplying retail merchants; the monopolistic and competitive activities of the Empresa de Comercio Agrícola (Agricultural Trade Enterprise) vis-a-vis the retail merchants in the direct sale of normal consumer goods in certain regions of the country; and the

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creating of the Empresa Nacional de Distribución y Comercialización S. A. (National Distributing and Marketing Enterprise), whose field of action worries the retail trade despite reiterated statements by its Managing Director to the effect that it will operate only at the wholesale level.

During his recent meeting with housewives, the Minister of Economy stated that as a result of the economic policies adopted by the Government there had been an increase in the purchasing power of the people in terms of around 20%. We agree with this statement by the Minister, but we wish to clarify that the retail trade has not been able to improve its situation as a result of this increase in sales since, in order to cooperate with the plans of the Government, it sacrificed part of its remuneration, absorbing decreases in the marketing margins of 6% on the average; it was the only sector whose income was reduced. In summary, the greater increase in sales did not compensate for the reduction of marketing margins, and for this reason the retail trade has suffered the most.

This situation has been additionally aggravated by widespread shortages of supply in most lines.

Consequently regarding this problem of shortages, the Confederation of Established Retail Merchants and Small Industry of Chile states:

1. That is has repeatedly and directly pointed out to the competent authorities within the Government that this anomaly requires an immediate solution to enable the people to have normal and timely supplies available to them.

2. That the Established Retail Merchants have a clear understanding of and responsibility for their irreplaceable economic and social function in the direct distribution of goods to consumers.

3. That the Established Retail Merchants categorically reject the imputations made in the sense that they are hoarders and speculators, which imputations create a false and distorted picture of reality.

4. That the CONFEDERATION OF ESTABLISHED RETAIL MERCHANTS AND SMALL INDUSTRY OF CHILE will continue to maintain its position of cooperating with the Government in those measures which signify a definite participation by retail merchants in the normal supplying of the people, but it will at the same time invariably maintain its position of defending the Established Retail

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Trade when measures harm or distort its proper function in the direct distribution of goods to the consumer public.

Finally, we are concerned that the Minister of Economy should make an appeal to consumers to assume the role of supervisors of commercial activities, making them participants in the responsibility of overseeing prices and supply, shifting the basic problem and distracting attention from the true causes of shortages of supply.

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ANNEX No. 10

OPEN LETTER TO THE MINISTER OF ECONOMY

/ Because we consider it of extraordinary interest to the sector of retail trade which we represent, we insert below the complete text of the letter which this Confederation sent on September 1 to the Minister of Economy, Pedro Vuskovic./

SANTIAGO, August 31, 1971

The Minister of Economy:

The Confederation of Established Retail Merchants and Small Industry of Chile transmits to you and to public opinion the anxieties being brought to our attention by our membership, which is basically made up of the immense majority of small and medium independent workers who are involved in trade, anxieties which are related to statements made repeatedly by the Minister of Economy through the various media or in meetings with various sectors of the populace of Santiago and Valparaíso.

To recount a little history, the Minister will recall the uneasiness which arose in our country at the election, as President, of Mr. Salvador Allende, candidate of Unidad Popular (Popular Unity) which proposed a Program of Action leading to the establishing of the socialist system in our country. This concern also affected sectors affiliated with our Representative Association, despite the fact that in the Program of Unidad Popular it was clearly established that the Government, in defining the three areas of the Economy, the societal, the mixed, and the private, proposed that the latter would be basically made up of small and medium businessmen, to whom the Government would give preferential attention, establishing for them the conditions which would allow for their normal development and for their active participation in the drawing up and executing of plans aimed at fulfilling the goals of accelerated growth of the national economy.

It is for this reason that this Confederation, conscious of its representation of the active forces which make up its membership and of the role which our activity plays in the process of economic and social development of the country, calmed the sector and ever since the beginning of the present administration has maintained a policy of cooperation with the plans of Government, assisting in everything which has been necessary, even giving up its own interests for the good of the community. The proof of this situation is the fact that commerce has been essentially the only sector of workers which did not obtain an increase in its income; on the contrary, it suffered important decreases in its remuneration as a consequence of the policy of fixing prices and the reduction in marketing margins, which, together with having to absorb the increased costs of operation, left it in a worsened position with respect to other sectors. All of this has been

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accepted by our Association as a contribution to the anti-inflationary plans of the Government, and in the understanding that the increased purchasing power which the people would obtain would result in a greater velocity of sales by Retail Trade, which it was thought would mitigate the negative effects for trade of the policy put into effect. The facts of the matter have demonstrated that although the increased purchasing power increased demand, the latter could not be satisfied, and sales did not achieve levels which would compensate for the increased internal costs of the sector and the lowering of its margins, with the situation becoming even more impossible to sustain as a result of the lack of supply, especially for the Retail Trade.

In addition, within the same policy of cooperation, this Confederation has maintained, or wished to maintain, a direct and open dialogue with all Governmental Authorities, in order to provide and receive information by the most expeditious means, avoiding declarations which are sonorous but do not help our people to live together in peace. This clear position of the Confederation is borne out by the facts, since, because of various problems and concerns which were raised with our Organization by national leaders and the rank and file from throughout the country, we have sought joint meetings with high representatives of the Government, to whom these concerns have been expressed. It is in this way that, in addition to the permanent relationships established with Heads of Services, especially in the Ministry of Economy, we organized a high-level meeting on May 5 of this year, in which, together with our national and provincial leaders, four important officials of the Government participated: Messrs. Oscar G. Garretón, Under-Secretary of Economy; Faruk Jadue, Deputy Director of Operations for Internal Taxes; Renato San Martín, Head of Costs and Prices in the Office of Industry and Commerce; and Jacobo Chattan, Managing Director of the Empresa Nacional de Distribución y Comercialización (National Enterprise for Distribution and Marketing), DINAC. These high-ranking Representatives of the Government reiterated their fullest support for the immense sector of medium and small worker-entrepreneurs, thus providing them with peace and security in their labors of direct contribution and sale of goods to the consumer masses.

Subsequently, and quite recently, after an invitation sent by our National Board to the Minister of Economy, who did not attend for reasons which we understand, we did have the presence of Mr. Jacobo Chattan, who reiterated, in the name of the Minister, the ideas stated previously and outlined specifically the line to be followed by the National Distributing Enterprise DINAC. He stated that DINAC would operate at the wholesale level, with better conditions for the small merchant through his participation in and complementing of the task of distribution carried out by the Purchasing Centrals, which would be considered as very important elements in the process of distribution, taking advantage of their organization, their operational nature, and basically because they were

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made up of small and medium merchants who, by acquiring their goods under favorable conditions, would make it possible to lower the prices to the consumer.

With the assurance of the words of these personages and of the position which business has taken regarding the process of economic and social development undertaken by the Supreme Government, a position which has been clearly established in these conversations and in documents which we retain in our possession, we have carried reassurance to our membership through communications and informational releases, as well as through meetings at the local or provincial level, always conscious that thereby we are collaborating directly with the plans drawn up by the authorities charged with the destiny of our country.

Nevertheless, and concretely with regard to the problem of shortages of supply, all of these considerations and words of assurance which were given to us have turned out, in practice, to have been contradicted by statements repeatedly made by the Minister of Economy on Radio and Television Programs and in meetings held with the popular sectors in various parts of Santiago and Valparaíso. These statements have surprised us because they are not in agreement with the facts explained above, especially when they refer to the system of requests for supply to private individuals through the mailboxes of the ECA; to the policy designed to attack the shortage of goods through the establishing of Communal or Sectional Supply Boards; to the procedure for effecting the distribution of goods through the Mothers' Centers, the Neighborhood Boards, and other Community Centers; to the announcing and promoting of the proposal that private individuals and/or Community Institutions be granted supervisory or inspectional functions over merchants, with the titles of Honorary Inspectors, under circumstances when such action is unnecessary and unacceptable because, in the first place, according to the provisions currently in force, any private individual can perform this task and proceed to make an accusation before the competent authorities regarding irregularities which merchants may commit in the process of marketing; and secondly, because the Office of Industry and Commerce and other Governmental Agencies have personnel trained and competent to carry out these inspectional functions.

Such statements, Mr. Minister, are inadequate and unjust because, even if you have not been explicit in your accusations of our sector, your words and the proposals mentioned make it clear there is an attack on retail merchants, hinting, further, that we are in part responsible for the shortages of supply of essential goods because of the hoarding and speculation in which merchants are allegedly engaging.

This is not the belief of His Excellency, the President of the Republic, who, in his recent statements in the cities of Antofagasta and Arica, admitted concretely and openly that the country has a serious problem of a lack of production and shortages of supply, and that the

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Government should and would face up to the problem energetically, taking the measures which would make it possible to resolve it. This proves that the retail merchants have nothing to do with the problems and that, quite the contrary, they are ready to cooperate in solving it, since this involves their own existence and continuance.

It is because of the foregoing, Mr. Minister, and in the desire to maintain our attitude and position of cooperation with the plans for development and change to which the Government is dedicated and to continue the open and honest dialogue, that we wish to know clearly our role and the conditions under which our activity is to be carried out, elements which are not clearly established in your statements, in order to know what we should abide by and to take the positions and make the decisions which are required in defense of the medium and small independent workers in the retail trade, since, if the policy proposed by the Minister should continue, these sectors will constitute a serious and new problem for the Government because, when they disappear, new possibilities of employment should be offered them which will allow them to subsist with dignity.

Sincerely yours,

(Signed) Rafael Cumsille Zapapa, President
Enrique Chosch Sussmann, Secretary General

Vicente Kovacevic P., Manager.

To:

The Minister of Economy
Mr. Pedro Vuskovic

By hand

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ANNEX No. 11

MINISTER OF ECONOMY AT THE CONFEDERATION

/ This last October 20 an important development for our Confederation took place, because for the first time we had a visit from a Minister of State who agreed to hold a dialogue with our National Board in order to analyze problems and concerns of our representative association.

We refer to the Minister of Economy, Mr. Pedro Vuskovic Bravo, with whom the representatives of the Confederation had a wide-ranging conversation for close to three hours, during which our National President delivered to him a memorandum which reflects the sentiments of our broad sector.

The memorandum delivered on that occasion to the Minister reads as follows: /

Mr. Minister:

The national Board of the Confederation of Established Retail Merchants and Small Industry of Chile is pleased to have the Minister of Economy, Mr. Pedro Vuskovic, present for the purpose of discussing in depth some points concerning the economic policy of the Government which have specific relation to the exercise of our commercial activity. For this reason, we seize this opportunity to raise with you some anxieties which are affecting our sector and the great consumer masses.

This visit reiterates the permanent desire of our Confederation to maintain a frank and direct dialogue with the high Authorities of the Government, especially with those of the economic sector, a position which has allowed us to maintain close relationships in the search for solutions to the various problems which affect our representative associations and the consumer public.

1o. —THE PROBLEM OF SUPPLY

It is well-known that there is a sense of uneasiness in all sectors of the population because of the lack and shortages of some items which are designated as basic, especially food. Ever since the first indications regarding these problems began to make themselves felt, through the many communications received in our Confederation from the Representative Institutions of the entire country, we decided that the anxieties

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transmitted to us should reach that Ministry, and in particular the Department of Supply, because we were and are interested in their solution, since merchants are among those persons principally affected, not only as regular consumers, but also because if there is nothing to sell there is no means for the subsistence of a merchant, his family, and the employees and workers who labor with us.

Conscious of our responsibility and of the fundamental role which belongs to commerce in the process of distribution, we proceeded to point out these facts to our Authorities with the sole aim that appropriate solutions be sought in order to ensure the normal supplying of all goods to the consumer public, and, at the same time, to offer our broadest cooperation and participation in the possible solutions.

It is for this reason, Mr. Minister, that we wish to reiterate our concern and want to know the concrete plans which the Government has devised to face up to this serious problem, because we wish to offer our broadest cooperation in those plans, so as to achieve, through a joint and coordinated action, the worthy goal of a solution for the good of all.

Confronted by this lack of normal supply of some goods, commerce is affected not only in the manner indicated, but it must also suffer in addition the negative effects which are becoming evident at this moment and which are a direct consequence of the lowering of the marketing margins and the procedure of price fixing which was established early this year as a policy for the economic sector, with the aim of partially easing the effects of inflation and of other economic phenomena.

As its cooperation and as an effective contribution to the achieving of the goals which were sought, commerce, in general, accepted those viewpoints; but in relation to the currrent problem, their effects are extremely negative, especially for those small merchants who operate with low working capital and are incapable of withstanding the decrease in sales caused by shortages of supply in their stores.

2o.— SUPPLY CENTERS

Recently, last Sunday, on the occasion of the closing of the 6th Congress of the Provincial Federation of Retail Merchants and Small Industry of Santiago, a high-ranking Government Official made a speech in which he played up the economic policy of the Government towards Commerce, thereby calming the many delegates of the Representative Institutions who participated in the activities of that gathering.

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Basically, he referred in his speech to the broad support of the Government for the commercial sector, considering the latter to be an irreplaceable activity in the distribution process because it was impossible to establish a bureaurocratic system which would come to carry out those functions.

In referring to DINAC, he was clear in pointing out that this State Enterprise had been conceived in order to operate at the wholesale level, taking into account the active participation of the Retail Merchants and of the Purchasing Centrals established by the merchants, and that that Enterprise would not establish Commercial Outlets with direct sales to the consumer public.

This position, which confirms in detail the views stated by Mrs. Jacobo Schatan, was in fact received with marked enthusiasm by those present at the Closing Session, who went away optimistic and with renewed desires to continue working in their activities at the service at the Community.

His words were so reassuring for those of us who were there that his speech was recorded so that it could be retransmitted by the Broadcasting Network throughout the country, in order for our members to become aware of its content and to ensure their needed peace of mind.

Unfortunately, however, Mr. Minister, that same day, during the inauguration of a commercial establishment, a UNICOP Supermarket, in the Las Barrancas section, the Technical Manager of DINAC took the floor and stated that by December 31 of this year that agency would establish 50 Supply Centers which would be administered by personnel of that Enterprise and would later be turned over to Community Centers.

Such conflicting positions on the part of some representatives of the Supreme Government are disconcerting and make us have serious doubts regarding the true future of our activities; it is for this reason that we wish to know the specific policy which is intended to be put into practice in the process of Distribution and Marketing of consumer goods.

It is our belief, which we reaffirm on this occasion, that this country's Commerce is able and sufficiently trained to handle distribution to consumers throughout the length and breadth of the country; and we would be very pleased to participate and to continue to cooperate as we have been doing, counting on true support on the part of the Authorities.

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3o. - HONORARY INSPECTORS

Mr. Minister, the various Governments which have ruled the destiny of our country have always resorted to supervisory control and auditing of Retail Trade, thereby making it appear that this sector was the one responsible for the inflationary process and for the lack of supplies.

The present Government and especially the President of the Republic, before he assumed that office, stated repeatedly that our sector was habitually and continually being reviled under circumstances in which it, like the consumers, had suffered permanent damage as a result of inflation.

We are extremely concerned that persons who may not be properly trained nor permanent employees should exercise control over merchants because, in many cases and for purely personal motives, they can distort this task and transform themselves into evil-intentioned persecutors of the merchants.

If the Government believes that the evil lies in commerce, it should in any case take the necessary measures to increase the staff of officials qualified to carry out this task, because this is a technical function which requires adequate training and persons with judgment to understand the standards and to make them applicable.

Our Confederation is conscious of and agrees fully with the Government that, in order to achieve the full economic development of the country, the participation of the community as a whole is necessary; but it is also necessary to carry out a labor of education for the officials who are to exercise supervisory control. Thus, during our recent trips through various provinces of the country we noted with great pleasure and interest the practice adopted by some Provincial Inspectors of the Office of Industry and Commerce who, together with the merchants, carry out a joint labor of indoctrination for the applying of the standards which are to be followed in the marketing of goods, especially as regards pricing policy and the applying of marketing margins.

By virtue of the foregoing, Mr. Minister, and in accordance with the basic principles maintained by the Government, we want our sector of merchants to be recognized as "workers within the process of production and distribution"; and, therefore, we consider it necessary for us to participate fully in those decisions which apply to the process of distribution, for which we offer our fullest cooperation for the establishing of joint Commissions at the Ministerial level.

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Finally, we wish to inform the Minister that our National Leaders will continue to make trips throughout the whole country in order to have direct contact with our members and to detect and know on the spot the problems which affect commercial and industrial activities, and, at the same time, to inform them about the policy of distribution put into practice by the Supreme Government, and the background which has been made available thereon to us, so as to give to Commerce the confidence necessary for it to continue to carry out its normal activities and functions of giving attention and satisfaction to the consumers.

SANTIAGO, October 1971

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ANNEX No. 12.

THE HONORARY INSPECTORS

For some time there has been talk of putting into effect a system of honorary inspectors to carry out supervisory functions over commerce in general.

The Confederation, conscious of the important role which it should assume in defense of the unions and the associations which it represents, made known in timely fashion to both the Minister of Economy and the Director of Industry and Commerce, its concern regarding the honorary inspectors.

As we consider it of interest for each merchant to know of our proposals regarding this matter, we herewith make known the full text of the letter which we sent on October 6 to the Director of DIRINCO, Mr. Alberto Martínez.

Santiago, October 6, 1971.

Mr. Alberto Martínez
Director of Industry and Commerce "DIRINCO"
By hand.

Dear Sir:

We take the liberty of addressing this letter to you to refer again to a subject which we raised earlier with the Director and with other authorities of the Ministry of Economy, that is, the honorary inspectors.

The subject is one of great concern to the established retail merchants because, after the actions taken by this National Confederation, we believed that the operational mechanics of the system of inspection of our sector would be changed. Thus, we have been greatly surprised that your office is giving instructions to its Provincial Offices and Agencies throughout the country on the basis of a position which is not that which the merchants have been requesting.

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We believe that the placing in practice of such a system of honorary inspectors in unlawful as regards business, since it would only result in damage to our sector to give supervisory authority to persons who, despite having participated in training seminars, are not competent to carry out these duties; the procedure consequently lends itself to persecution, extortion, and abuses, as has been demonstrated under previous governments.

If the basic problem is that of control and supervision of commerce, we ask the Director: why then is the staff of inspectors of Industry and Commerce not increased? In this regard, during our recent visit to the southern area of the country, we found proof of the positive attitude and work of those Provincial Offices as regards the merchants, and we made this known to the Honorable Director; and we believe that the Office of Industry and Commerce "DIRINCO" is the only agency which is capable of and should assume such responsibilities.

In addition, we transmit to the Honorable Director our concern about the so-called Juntas Locales de Abastecimientos y Precio (Local Supply and Price Boards) "JAP", since the document given to us by the Supply Chief, Mr. Enrique Dobry, is not compatible with the instructions which are being given in the provincial offices, especially those provisions which have to do with the participation of the merchants in these organizations.

As we have stated publicly, the Honorable Director knows our views on this matter, which are simply to maintain a position of cooperation with the plans of the Government; and it is with this attitude, therefore, that we express our opposition and the anxiety of business regarding the subjects raised above.

Hoping for the favor of a reply, we remain

Very sincerely yours,

Rafael Cumsille Z., National President

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III. POLITICAL ASPECTS

A. Rise to power of the Unidad Popular and the political influence of Moscow

The Chilean presidential elections of 1970 were held with three well-defined political movements represented by the three groups of opinion prevalent at the time, that is: a) communists and socialists, leftist radicals, extremists, Trotskyites and anarchists; b) Christian Democrats; and c) independents, nationalists (the Partido Nacional [National Party]) and rightist groups.

Mr. Salvador Allende Gossens, the candidate of group a) obtained a higher relative majority with 36.2% of the vote from an electorate numbering a little more than three million; that is to say, Mr. Allende only obtained the support of approximately one third of the electorate.

The Chilean constitutional system grants the National Congress, composed of the Senate and the Chamber of Deputies, the power to elect the President of the Republic from among the two candidates who receive the highest relative majorities in the event that neither receives more than 50% of the vote.

Traditionally, in Chile, the candidate obtaining the highest relative majority has been the one selected. This fact, together with the Marxist-

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Leninist content of the Unidad Popular program and the ideological principles professed by the political parties and groups which comprised it, caused unrest among the people. For this reason, tradition was broken to a certain extent when the Christian Democratic Party required Mr. Salvador Allende to accept and sign a Statute of Constitutional Guarantees before it would vote for him in Congress.

In his capacity as Senator, Dr. Salvador Allende appeared in the Upper Chamber on October 22, 1970 to vote for the Statute of Constitutional Guarantees, solemnly stating on that occasion:

> "I have come here to say that these provisions must be understood not only as principles consecrated in the Constitution but as a moral commitment to our own conscience and to history."

Mr. Allende signed the Statute, not with the intention of complying with it but as a tactic to reach the Moneda Palace, the Presidential palace, as he stated in an interview granted to Marxist ideologist Regis Debray and published in the magazine Punto Final, an organ of the Revolutionary Leftist Movement (MIR), on March 16, 1971. When Mr. Debray asked why he had accepted the Statute of Constitutional Guarantees, Mr. Allende replied:

> "I accepted it as a necessary tactic to assume power. The important thing at the time was to take over the government."

In summary, the Statute of Constitutional Guarantees contained the following seven points:

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1. The free establishment, existence and development of political parties was ensured. As for the communications media, it was agreed that all streams of political opinion were to have free access to the press, radio and television on equal terms.

2. It was established constitutionally that the public force was to be constituted solely and exclusively by the Armed Forces and the Carabineros; that neither militias nor white guards could be organized.

3. The Armed Forces and Carabineros were to be professional entities, organized by rank, obedient and nondeliberating.

4. Commanders in Chief were given full authority to appoint their subordinates. 5/

5. The Statute of Education stated that education would be independent of any official ideological orientation.

6. The constitutional guarantee establishing the right to association in cooperatives and labor unions was reconfirmed; the right to petition and strike would be upheld, and

7. The constitutional guarantees of the right of assembly and of personal freedom were brought up to date, establishing that their practice could be regulated only by law.

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5. In Chile, traditionally, the promotion of Colonels and Generals is ratified by Congress.

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On October 24, 1970, the Congress sitting in joint session elected Mr. Salvador Allende Gossens President of Chile by a two-thirds majority: 153 votes for Mr. Allende, 35 votes for Mr. Alessandri and 7 blank votes. President of the Senate Tomás Pablo asked Mr. Allende:

> "Do you promise or swear to discharge faithfully the duties of President of the Republic, to preserve the integrity and independence of the nation, and to safeguard the Constitution and the law?"

Mr. Allende replied: "Yes, I do."

The oath sworn before Congress proved to be false, since point 2 of the Statute of Guarantees was violated by the establishment of the Grupo de Amigos Personales (GAP) [Group of Personal Friends] of the President of the Republic.

Changes began to take place rapidly, beginning with the substitution of the word comrade for the word mister in all official correspondence. 6/ It should be mentioned that members of the Unidad Popular were "comrades" whereas others were referred to as "mister". Three months after his government took office, Mr. Allende stated in Valparaíso:

> "I am not the President of the Socialist Party; I am the President of the Unidad Popular. Nor am I President of all the Chileans. No, I am not the hypocrite they say. I am not the President of all the Chileans."

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6. All emphasis in this publication is supplied by the Special Consultative Committee on Security.

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There were enourmous lines of people waiting throughout the 24 hours of the days to buy the basic necessities. Thousands of persons, of both sexes and all ages, slept in the streets for fear of losing their places at the head of the line as this was the only way they could obtain an infinitesimal part of what they needed.

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On December 1, 1971, thousands of Chilean democratic women held the historic "march of the empty cooking pots" in protest against the shortage of supply, the high cost of living, and the violation of constitutional guarantees by the Unidad Popular régime.

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The Unidad Popular government imposed economic and other conditions on the Chilean people such as: the nationalization of enterprises at the production level which, upon being transferred to the "social sector", became parasites of the State budget; the fostering of labor problems in private companies in order to force them into bankruptcy or as a means of bringing them under State control; the illegal occupation, by force, of farms and cattle ranches that had been operating on a normal basis, and turning them into unproductive enterprises with a resultant decrease in national production; the uncontrolled issuance of banknotes in an attempt to cover up the deficit in the balance of payments; the establishment and operation of the Supply and Price Boards, which resulted in hundreds of thousands of persons of all ages, occupations and both sexes having to spend up to 24 hours in lines to purchase the barest essentials for their daily diet; the use of the partisan press for libelous attacks, in the vilest and most abusive language, against public figures in order to destroy their public image and the people's trust in them, as well as the proliferation of pornographic publications of the lowest order; the nationalization of most of the banks in violation of the applicable legal regulations. These and other measures too numerous to mention caused such a crisis in the country that it led to the military uprising of September 11, 1973.

> "Whosoever accepts the class struggle cannot help but accept civil wars. The oppressed class that does not aspire to learning how to handle arms, or to bearing arms deserves only to be treated as a class of slaves. That is why, if we do

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> not want to become bourgeois pacifists or opportunists, we must not forget that we live in a class society from which there is no way out, nor can there be any way out other than through class struggle. Our watchword must be: Arm the proletariat to overthrow, expropriate, and disarm the bourgeoisie." Lenin, Selected Works, Volume II, pages 555 and 557.

The members of the Unidad Popular, chiefly its top leaders, from the very first gave the highest priority to amassing all types of weapons, including weapons of Russian and Czechoslovakian manufacture, which they purchased directly or through Cuba. Illegal means were used to bring the weapons into the country, including the international flights of LAN-Chile, the Chilean National Airline, and all the trips made abroad by members of the administration.

Since the number of weapons received from abroad was not sufficient according to the preconceived plans to launch a civil war at the opportune moment and since there was not enough foreign currency on hand to make additional purchases, the nationalized industries were used to manufacture weapons; they produced 60 mm mortars, hand grenades, submachine guns and grenade launchers of obvious crudeness but efficient enough to satisfy the U. P. 's pressing revolutionary needs.

The Marxist Joan E. Garcés, a Spanish citizen and one of the closest political advisers of Mr. Allende, was credited with the thesis of "The Chilean Path to Socialism", which President Allende announced with optimism and which brought a certain tranquility to many sectors of public opinion.

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"There were many who felt optimistic and interpreted positively, in varying degrees, the "Chilean Path to Socialism". Generally it was considered a Marxist-humanist way to a type of democratic socialism in which, on the political level, the fundamental freedoms, a free opposition, and periodic elections would be respected, while in the economic sphere the three areas of property ownership would remain permanently. The new model would serve, according to this interpretation, to alter fundamentally the old socio-economic structures, but would not affect the basic values on which social freedom and human dignity are based." Juraj Domic K., "El Partido Comunista liquida la vía chilena hacia el socialismo" [The Communist Party Wipes Out the Chilean Path to Socialism], Revista Portada, No. 38, April 1973, page 8.

"The 'Chilean Path to Socialism' is a direct interpretation of the political thought of Engels, as follows: 'One can conceive of the peaceful evolution of the old society toward the new in countries where representatives of the people hold the power, where, pursuant to the Constitution, one can do as one wishes once one has the support of the majority of the people.'"

As we shall see later, to the Communist Party this smacked of "revisionism", "anti-sovietism" and "counterrevolution".

There are two undeniable concepts which we must always bear in mind: one is that not only do all Communist Parties throughout the world obey the directives of Moscow but also their performance or behaviour is under constant surveillance, for which reason, whenever circumstances permit, they claim to be the champions of the law, of institutions, etc., the essence--for public consumption--of "peaceful coexistence". The other concept is that the expressions "workers" and "proletariat" mean "Communist Party" and nothing else, signifying that the workers must be led by the Communist Party.

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These explanations having been given, let us see the influence of Moscow on the Unidad Popular régime.

In the beginning, when the "Chilean path" was announced, the Communist Party did not publicly adopt any attitude; rather it "immunized itself", as many termed it, against the germ of the "Chilean path" in order to maintain political unity within the party.

Only in November 1970 did the Communist Party make indirect reference to it on the occasion of the Plenum of its Central Committee, held from November 26 to November 29, when, for political reasons, the Party rendered "homage to the memory of Engels" on the 150th anniversary of his birth, whereupon the Secretary General, Luis Corvalán, emphasized that "We proclaim that we are Marxist-Leninists with revolutionary pride."

We should not forget that Engels was accused by Lenin of being a "revisionist" because he considered the transition from "capitalism to socialism" to be possible by any means, including the peaceful way through popular elections in the traditional manner of democratic nations.

In announcing the "Chilean Path to Socialism", President Allende said:

> "From the doctrinal point of view, as socialists we are very much aware of the forces and agents of historic change.

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> And, personally, I know very well that, to quote Engels, 'one can conceive of the peaceful evolution of the old society toward the new in countries where representatives of the people hold all of the power; where, pursuant to the Constitution, one can do as one wishes once one has the support of the majority.' And this is the case in Chile. Here Engels' hopes have at last been fulfilled." (Inaugural speech, given on November 5, 1970).

Later in the same speech, the President asked:

> "What shall be our path, our Chilean course of action to triumph over underdevelopment?"

And he answered himself by saying:

> "The road to socialism lies in democracy, pluralism and freedom ... Here history is taking a new turn ... here the people have succeeded in taking the course of destiny into their own hands in order to embark on the democratic path to socialism."

The Communist Party, through its Secretary General Luis Corvalán, refuted President Allende in the following terms:

> "The people have conquered the government, which is one part of political power. They must make this victory secure and advance still further. They must succeed in getting all of the political power, the entire State apparatus into their hands in a pluralist society."

With these words, Corvalán indicated that serious confrontations were imminent between the Communist Party and President Allende and his followers and political advisers.

It was not long after the announcement of the "Chilean path" concept and the Plenum of the Central Committee of the Communist Party

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that Mr. Corvalán traveled to Prague (Czechoslovakia) in order to seek the means or tactics to follow in dealing with the manifest differences of opinion between his Party and President Allende and other members of his government. From Prague he said that:

> "Together with the unified action of the masses, a cementing factor of the democratic forces, an indispensable element of the Unidad Popular against its principal enemies, imperialism and oligarchy, is the ideological struggle against all unlawful acts on the part of the bourgeoisie and in particular against expressions of anti-communism, anti-sovietism, and sectarian and rightist tendencies... As for the Communist Party, we are fully convinced that although the present situation in Chile presents many difficult problems, we must not fail in any way to give due consideration to the universal laws which govern the transition to socialism."

From these two quotes, which were published in the International Review, (No. 12, Prague-Santiago, 1970, pages 3-13), an official publication of the Coordinating Center of the International Communist Movement, with headquarters in Prague, it is easy to see that international communism did not approve of the proclaimed "Chilean path" because it smacked of "revisionism" and "anti-sovietism" since it was based on an interpretation of Engels' thought.

If we examine what the Marxist-Leninists call the universal laws which serve as a basis for the transition to socialism, the so-called "Chilean path" was in contraposition to them. Of all these laws, the most important in this case are those which refer to the fact that "the Socialist revolution can be achieved with or without the use of arms" and "the

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dictatorship of the proletariat must be established under the direction of the Communist Party."

The XXIV Congress of the Communist Party of the Soviet Union was held in Russia in the months of March and April, 1971, on which occasion Luis Corvalán reported to the Russian leaders on the position of the Chilean Communist Party. He said that "the socialist revolution has its general laws which cannot be disregarded. We are working and shall continue to work in accordance with those laws."

On April 27, 1971, speaking at the opening of the XIV Session of the Economic Commission for Latin America held in Santiago, Chile, President Salvador Allende reconfirmed his "Chilean path...", saying that:

> "We recognize as our sole guide on the road to socialism the sovereign will of the Chilean people, manifested through the organizational channels existing today in a liberal democracy such as ours. Consistent with our own situation, this is what has been called the Chilean path to socialism."

In his first message to Congress on May 21, 1971, President Allende pointed out that:

> "In 1917 Russia instituted one of the forms of building a socialist society, which is the dictatorship of the proletariat. Chile is faced with having to develop a new way of building a socialist society: our own revolutionary way, the pluralist way, anticipated by the classic Marxist authors but never before put into practice ... once more history enables us to

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> break with the past and build a new model of society. Chile is today the first nation on Earth called upon to shape a second model for transition to a socialist society. We are setting out on a new road; we are moving forward into unknown territory without a guide ... There are no previous experiences that can be used as a model. In more specific terms, our task, is to define and put into practice, as the Chilean path to socialism, a new governmental, economic and social model, centered on man, his needs and aspirations." Pamphlet entitled La Vía Chilena [The Chilean Path], Quimantú, 1971.

In April, the Communist Party referred to the "Chilean Path" in the following terms: "We can move forward without groping in the dark, without acting spontaneously or improvising ... We are in a position to follow a previously determined road, to anticipate theoretically the channels that our revolution must follow."

Im his statements on the "Chilean path", President Allende contradicted the Communist Party on several points.

In view of these injudicious statements by the President, the Communist Party took advantage of the presence in Chile of the Vice President of the Council of State of East Germany, Mr. Heinrich Homann, to interview him. The interview appeared in the Party newspaper El Siglo [The Century], on May 23, 1972.

Mr. Homann's forceful statement refuted the President's entire political concept and, at the same time, let him know that he was behaving like an anti-communist, an anti-soviet and a counterrevolutionary. Following is Mr. Homann's statement:

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"In the building of socialism the same general laws apply in all cases but there are individual concrete forms for each case. We maintain that the Union of Soviet Socialist Republics is the basic model for the building of socialism, but the USSR has one party and we have five. In any case, nowhere can socialism be achieved without the working class having the leading role."

Nevertheless, on May 25, 1971 the President insisted on defending and continuing to defend his "Chilean path". A journalist of the Spanish EFE agency asked him to enlarge upon his "second model for the transition to socialism". After making certain clarifications to explain that he was not a Marxist theoretician, he stated that:

"Marxism is not a static thing; I believe it is a method for interpreting history. It is not a prescription for the government to follow. Here we have changed the dimension of dictatorship by means of a different tactic; but the other factor, the social factor, is present. I believe that orthodox Marxists will forgive me this incursion which does not pretend to establish theoretically a doctrinary position, but which I believe can indicate that for us there is a practical application which is appropriate to the Chilean situation. And, if perhaps we outrage the orthodox Marxists but get things done, I will stick with the latter." (Salvador Allende, "Our Road to Socialism: The Chilean Path". Selections by Joan E. Garcés. Papiro Editions, Buenos Aires, 1971, pages 55-56).

On June 17, 1971, on the occasion of the IX National Conference of Communism Youth, the report of its Secretariat stated that:

"Our path or road has very specific characteristics, but at the same time it is governed by the general laws of any revolution that has a socialist objective, laws which have been scientifically analyzed by Marxism-Leninism." (El Siglo, June 19, 1971).

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In his greeting to the Communist Youth meeting, the President replied:

> "We are marching toward socialism along our own road, a road which evokes admiration throughout the world because it is distinguished by a respect for democracy, freedom and pluralism... the road which the people have selected does not need models alien to our history." (El Siglo, June 20, 1971).

While Mr. Allende kept up these polemics with the Communist Party, it reaffirmed every day its hegemony over the government, and it is thought that in the end it demanded that the President no longer mention the "Chilean path".

The last time he mentioned it publicly was when he congratulated the newspaper El Siglo on its anniversary. In his message highlighting the work of that newspaper, he said among other things: "It is performing and will continue to perform its duty in our march together on the Chilean path to socialism." This statement was made at the end of August 1971.

The influence of the Communist Party was so great that in November 1972, in his second Message to Congress, President Allende did not mention the "Chilean path".

This whole episode between Mr. Allende and the Communist Party ended in a victory for the Party and, of course, from that moment on the

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political and economic leadership remained in the hands of the Communist Party, that is to say, under the directives of Moscow.

B. Diplomatic missions of communist countries in Chile from 1970 to 1973

1. Activities carried out during the Unidad Popular régime

a. Organization of the Chilean Ministry of Foreign Affairs during the Unidad Popular régime

When the Unidad Popular took over the government in 1970, it quickly appointed representatives of the different political parties to positions of responsibility within the Ministry of Foreign Affairs and in diplomatic posts abroad. In all, there were around 70 of these political appointments and they created a kind of dual (or parallel) hierarchy in the Ministry of Foreign Affairs in Santiago. It was this new political sector of the Ministry which handled relations with communist countries exclusively.

Career officials and employees of the Ministry, who constituted the majority of the staff, continued to handle Chilean relations with the rest of the world and other routine matters.

b. Relations with Cuba and the Soviet Union

Relations with Cuba and the Soviet Union were invariably handled by the new political appointees in the Ministry. These relations were

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always cordial and close and, on occasion, reached such a degree of intimacy that, for the career officials of the Ministry, it meant that Chile had already become an integral part of the Communist bloc. Although no positive evidence was discovered, it was presumed by career officials of the Ministry that the diplomatic pouch and free entry privileges were abused systematically by Cuban and Russian diplomats. If true, this fact greatly facilitated the illegal introduction of arms and ammunition from Cuba and East European countries which were subsequently found in arsenals hidden throughout Chile. The notorious incident of the 13 crates,*/ described as containing "art objects, liquor and cigarettes", is an example of official Cuban complicity in the illegal introduction of weapons into Chile. Although the Cuban Embassy in Santiago was not involved, since the crates were brought into the country by a Chilean official, Eduardo "Coco" Paredes, Director of Investigations at that time, he could not have acquired the impressive list of armaments hidden in the 13 crates (machine guns, submachine guns, rockets, revolvers, pistols and ammunition) and had them transported by the Cuban Air Line without the full cooperation of the Castro government.

It was generally believed in the Ministry of Foreign Affairs that Chile held no secrets from the Cuban government due to the close personal relationship between Allende and Fidel Castro and due to the fact

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*. See pages 189 and 190 [pp. 188 and 189 of Spanish text] for more detailed information on the incident.

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that an employee of the Cuban Embassy in Santiago was the son-in-law of President Allende. The son-in-law, Luis Fernández Oña, an ex-Chief of the Secret Police in Cuba, was apparently sufficiently skilled in the use of firearms to serve as the instructor of President Allende, members of his entourage and others who used the training camps and shooting ranges at the Presidential residences of Tomás Moro and El Cañaveral. Fernández Oña and his wife, Isabel Allende, were of course regular guests of the President at intimate gatherings as well as on more formal occasions. It is known that, on at least one occasion, Allende discussed a delicate and confidential document from a Chilean Ambassador abroad in the presence of his daughter and his Cuban son-in-law.

It is believed that Fernández Oña was only one of many Cubans who were involved in the training of paramilitary or guerrilla groups. The Cubans' experience with Soviet and Czechoslovakian weapons, purchased in large numbers and stored in hidden arsenals, was of course essential for the training of the Unidad Popular paramilitary forces.

The activities of the Soviet Embassy in Santiago were apparently much more regular, proper and in accordance with the limits of traditional diplomacy. But wherever clandestine activities were carried out, of course, they were facilitated and fully tolerated by a completely subordinate Communist Party whose leaders formed part of the government of Chile at the time. It does not require much imagination to recognize

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that the Soviet Embassy in Santiago could have been, and probably was, fully informed about each phase of the Chilean scene--both at home and abroad--in which it had an interest.

c. Relations with other communist countries

In addition to Cuba and the Soviet Union, during the Unidad Popular régime the Chilean government had diplomatic relations with the following communist countries:

- Albania */
- Bulgaria
- Czechoslovakia
- Democratic Republic of Germany (East Germany) */
- Hungary
- North Viet Nam
- People's Democratic Republic of Korea (North Korea) */
- People's Republic of China (Peking) */
- Poland
- Rumania
- Yugoslavia

Of these, only the Embassies of the People's Democratic Republic of Korea (North Korea) and Cuba openly went beyond the limits of normal diplomacy, to such a degree that the new government of Chile was forced to break off relations with both countries after September 11, 1973. The North Koreans, together with the Cubans, were discovered to have been involved in the training of Chilean guerrillas and paramilitary personnel.

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*. Established relations with Chile during the Unidad Popular régime.

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2. Attitude adopted after September 11, 1973

One of the first acts of the Military Junta of Chile was to break off diplomatic relations with the governments of Cuba and North Korea on September 12, 1973 for the reasons given above.

In the hours and days immediately following, the majority of the remaining communist countries took the initiative in breaking off relations with the new government. The only exceptions were Rumania and People's Republic of China (Peking). The latter kept the same Ambassador who was formally accredited to the Unidad Popular régime, guaranteeing the agreement in order that a new Chilean Ambassador might represent the Military Junta in Peking. The decision of these two communist countries to maintain diplomatic relations with Chile was doubtless formulated rather as a policy of independence or as a challenge to Moscow than as a policy of national interest in Chile under a new anti-communist government.

C. Parties or groups comprising the Unidad Popular

1. Brief review of its history

The principal political parties or groups in Chile which comprised the political alliance known as the Unidad Popular were the Communist Party, the Socialist Party, the Radical Party, the Unitary Popular Action Movement (MAPU) and the Independent People's Action (API).

The Chilean Communist Party, founded in 1922, was the largest in South America and one of the oldest. It has faithfully followed the

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Moscow line throughout its history. Through the years it has created a growing image of respectability in Chile. Its policy since 1958 has been to participate in electoral campaigns as part of a "popular front" (Popular Front or United Front) together with the Socialist Party and other Marxist groups.

The Socialist Party of Chile was founded in 1933, and Mr. Salvador Allende was one of its founding members. While it was always Marxist-oriented, the Party did not move to the extreme left of the political spectrum until 1948. Since then, however, it has been considered more radical than the Communist Party itself. Since 1958, it has cooperated regularly with the Communist Party in national elections, but has never been as well organized and disciplined as the latter.

The Radical Party was formed in 1861 by a group of dissidents of the Liberal Party who wanted political and economic reforms. It developed as a strong party, primarily with the support of the middle class, and remained in a position of leadership until the mid-1960's. It was gradually replaced in size and strength by the Christian Democrat Party. It was not until the end of the 1960's that the leaders of the Radical Party began to take an interest in the communist-socialist coalition, in the hope of obtaining its support for the Presidential candidate of the Radical Party. Not successful in this, the leaders of the Radical Party decided to support the candidacy of Mr. Allende and joined the Unidad

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Popular coalition in 1970. They were more opportunistic than Marxist in their decision and their philosophy.

A divided group of Radical Party dissidents, calling themselves the Leftist Radical Party (PIR) also joined the Unidad Popular coalition and were rewarded with a couple of positions in the Cabinet at the beginning of Mr. Allende's administration.

The Unitary Popular Action Movement (MAPU) deserted the Christian Democrat Party in mid-1969 because of the "slow pace" of President Frei's agrarian reform program. In 1970, it joined the Unidad Popular coalition. The MAPU was initially made up of intellectuals and university students whose political ideas were much more compatible with those of Altamirano's Socialists than with those of Frei's Christian Democrats.

The Independent People's Action (API), a small non-Marxist party of the left, was organized at the beginning of 1968 to promote the candidacy of Senator Rafael Tarud in the 1970 Presidential elections. When its efforts did not meet with success, the API joined the Unidad Popular coalition in support of Mr. Salvador Allende. Though its strength was limited to a single seat in the Senate, nevertheless Senator Tarud's vote was frequently of critical importance for the Unidad Popular coalition.

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2. Relations among the five parties of the Unidad Popular

While there were differences of opinion and disagreements, particularly in regard to political tactics, among the five parties of the Unidad Popular, they shared a common political objective: creating a Socialist State and gaining absolute power. It should be generally recognized, however, that they kept their coalition intact until September 11, 1973, and maintained a unified façade until then, thanks in part to ex-President Allende's special talent for handling demanding politicians.

This said, nevertheless it is instructive to examine the façade of unity and consider some of the most important differences in policies and tactics which did exist and which doubtless contributed to the overthrow of the Unidad Popular régime in September 1973.

The dominant force in the Unidad Popular was the Communist Party, organized, disciplined and waiting patiently to achieve its great objective. It apparently supported Mr. Allende in his more moderate position within the Socialist Party.

The Socialist Party, on the other hand, under the leadership of Carlos Altamirano, its Secretary General, was impatient to embark on the road to socialism chosen by Mr. Allende and constantly pressured him and pushed him to take more extreme measures against the existing "bourgeois establishment." The Socialists were suported in this attitude by the MAPU.

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Officially outside the Unidad Popular, but closely tied to the Socialist Party and to Mr. Allende himself through family and personal ties, was the Revolutionary Leftist Movement (MIR), which became the armed branch of the Socialist Party. Founded in 1965 along Trotskyite ideological lines and dedicated to a Socialist victory by force of arms and by violence, the MIR of course supported the Socialist Party and the MAPU in their most radical positions and programs within the Unidad Popular coalition.

Because the Communist Party could not control the MIR and since they, the Communists, had adopted certain tactics which differed from those of the MIR, this group of militants became one of the principal points of friction between the Communist and Socialist Parties. So much so that the Secretary General of the Communist Party, Luis Corvalán, was forced to write an open letter on February 6, 1973 to the Secretary General of the Socialist Party, Altamirano (which was published two days later in the Communist newspaper El Siglo) complaining about the "suicidal" activities and policies of the MIR which, he clearly implied, were supported by the Socialist Party.

But Corvalán and his Party could not break with the Socialists, no matter how much they disapproved of the tactics and support of the "Mirists". The Communists, though perhaps not happy with it, were

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Violence took over the streets. Armed political groups confronted each other, opposing force to reason.

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committed to a "Popular Front" or "United Front" policy, with the Socialist Party being the most important part of this façade.

Nor could Mr. Allende break with the Socialists for many of the same reasons. He and Altamirano were rivals for the leadership of their Party and usually were not in agreement on tactics or strategy. Besides, it was known that there was personal animosity between the two. In the last negotiations with the leaders of the Christian Democrats in July and August 1973, it was revealed that ex-President Allende was unable to conduct serious negotiations because he did not have the support of his own Party. However, the Communists apparently wished to support Mr. Allende in his conversations with Patricio Aylwin, Secretary General of the Christian Democrat Party.

3. Militancy

At least two Parties of the Unidad Popular coalition had their own paramilitary forces and even the President created his own armed guard outside the military and police institutions of the State.

The paramilitary group of the Communist Party was known as the "Ramona Parra Brigade", initially created for propaganda purposes and composed primarily of young people from the "Communist Youth" (JJ. CC.). However, during the three years of the Unidad Popular régime, this Brigade very quickly changed from a propaganda unit to a shock brigade, attracting to it some of the boldest and most tenacious young Communists.

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Street violence of organized groups of extremists became a dai occurrence, as a conse- quence of the collapse o authority.

Weapons used in Korea and Viet Nam were utilized by the militants of the extremist sectors, who roamed the streets and spread terror.

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The police had to intervene to clear the way and remove the debris of the barricades raised by the Revolutionary Leftist Movement (MIR) in order to obstruct traffic.

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It proved itself to be an effective unit when it confronted the MIR student group, the Revolutionary Students Front, which had not been invited to the Fifth Latin American Congress of Students held in May 1973 in Santiago, Chile, and expelled it from the conference. (See the SCCS report on "Communist Penetration in the Universities of the American Hemisphere"--Nineteenth Regular Meeting, Doc. OEA/Ser. L/X/II. 34).

The paramilitary group of the Socialist Party was nominally the Elmo Catalán Brigade; but when the Unidad Popular took over the government of Chile, the MIR became the armed branch of the Socialist Party. (See the reference to the MIR in the foregoing section of report, page 179 [p. 177 of Spanish text]). This militant group, whose stated objective was the "peoples'armed insurrection as the only way to rout capitalism", was the original organization which gave rise to four subsidiary groups: 1. Revolutionary Workers Front (FTR) - labor branch; 2. Revolutionary Students Front (FER) - student branch; 3. Revolutionary Farm Workers Movement (MCR) - agrarian branch; 4. Revolutionary Armed Forces (FAR) - nucleus for the infiltration of the Armed Forces and Carabineros.

To this group of paramilitary organizations must be added the GAP (Group of Personal Friends) of ex-President Allende which acted as the Presidential guard. Initially it was a small group whose primary function

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was to protect the person of President Allende. However, the GAP soon increased in numbers to include the bodyguards of Unidad Popular Ministers, Congressmen, Governors and other persons of similar rank. Finally it numbered around 1,000 men and became a true armed force with modern equipment from abroad and other equipment of national manufacture. */ The main training camps, with their hidden caches of weapons, were the Presidential residences of Mr. Allende in Tomás Moro and El Cañaveral.

Following the events of September 11, 1973, the political parties and leaders of the Unidad Popular coalition were dispersed, either because they fled abroad seeking refuge in other countries or because they were arrested or sought asylum in foreign embassies.

As for the organizations of the two principal parties of the Unidad Popular, the Communist and Socialist Parties, it is believed that the first remains intact, with its system of party cells, provincial units, etc. The Communist Party in Chile was already experienced in operating clandestinely during the decade from 1948 to 1958. When the proscription against it was repealed, it emerged with its organization intact. One can infer from this that the future will afford it the same destiny.

The Socialist Party, on the other hand, reflected a certain lack of discipline among its members and a lack of careful organization, for

*. See pages 180 to 185 [178 to 183 of Spanish text], Chapter III.

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which reasons it disintegrated completely after September 11. It has become apparent that there are no remnants of it left as an organization in Chile, since it is known that the new general headquarters of the Chilean Unidad Popular is in Rome, including what remains of the Socialist Party.

D. Guerrilla bands and indoctrination

The political position adopted by the Socialist Party at the National Congress of Chillán in 1967 and later reaffirmed in a self-critical document prepared when it represented the majority block of the Unidad Popular government, is summarized in the following two paragraphs:

> "a. Revolutionary violence is legitimate and inevitable, a necessary result of the repressive and armed character of the class system. It constitutes the only way to take over political and economic power definitively and subsequently to defend and strengthen this power. It is only by destroying the bureaucratic and military apparatus of the bourgeois State that the socialist revolution can consolidate itself. The peaceful or legal means of struggle through demands, ideologies, elections, etc., do not in themselves lead to power, but are limited instruments of action, incorporated into the political process which leads us to armed conflict, and
>
> "b. There is no possibility of a total transformation of the present system without a break, without a leap forward, without destroying the present constitutional order and establishing a new one under the rule of armed conflict."

During the first state of its administration, the Unidad Popular evolved within an apparent respect for the law. We say apparent because surreptitiously it activated and increased the number of

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paramilitary organizations which made up the so-called shock brigades and the Group of Personal Friends (GAP) of President Allende, a group entrusted with his protection, which was, in the final analysis, nothing more than an organization made up of agitators who directed and controlled the training of guerrillas in the Presidential residence of El Cañaveral itself, as well as indoctrination in the industries forming the so-called industrial belt.

Prior to the beginning of the Unidad Popular régime, there existed in Chile several Marxist-style extremist organizations of an incipient or deficient level of organization and military preparation. But beginning in 1970, with the financial support and protection of the government, these groups began to cluster around those with greater capability and solvency which, once strengthened with men, arms, funds and technical advice, principally from foreigners--Uruguayans, Cubans, Russians, Brazilians, Argentinians and persons of other nationalities, had the specific function of paramilitary indoctrination and terrorism. The most important were:

Revolutionary Leftist Movement (MIR) - This ultra-left extremist organization was founded in Concepción in 1965 on the campus of the University of that Province, under the direction of persons who gained a certain renown, such as Luciano Cruz, the brothers Edgardo and Miguel Enríquez, Bautista von Schowen and others who had extensive

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publicity in their time. Ideologically, they identified themselves with the Trotskyite line and in their declaration of principles indicated emphatically their pursuit of the following goals:

- "Overthrow of the capitalist régime and its replacement by a government of workers and peasants
- Revolutionary confrontation between antagonistic classes
- Armed insurrection of the people as the only way to rout capitalism."

When the Unidad Popular government took over, MIR */ became the armed branch of the Socialist Party, a political union from which it began to nourish itself progressively, thus giving rise to the concept of "double militancy". In its organic structure, it adopted the system of the cell, of no more than 15 members, whose activity was extended throughout practically the whole country, channeling its spheres of action in the industries, university faculties, student circles, among the farm workers, etc., giving rise to the following subsidiary organizations:

a. Revolutionary Workers Front (FTR)

Labor union branch of the MIR and principal protagonist in the establishment and organization of the Industrial Belts. (See page 176 /p. 174 of Spanish text/).

*. See page 171 /p. 168 of Spanish text/.

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Another farm taken over. Here, a revolutionary camp was set up, which, under the name of the guerrilla priest Camilo Torres, served as a center for political and ideological propaganda.

[Sign] CAMILO TORRES CAMP
REVOLUTIONARY FARM WORKERS MOVEMENT

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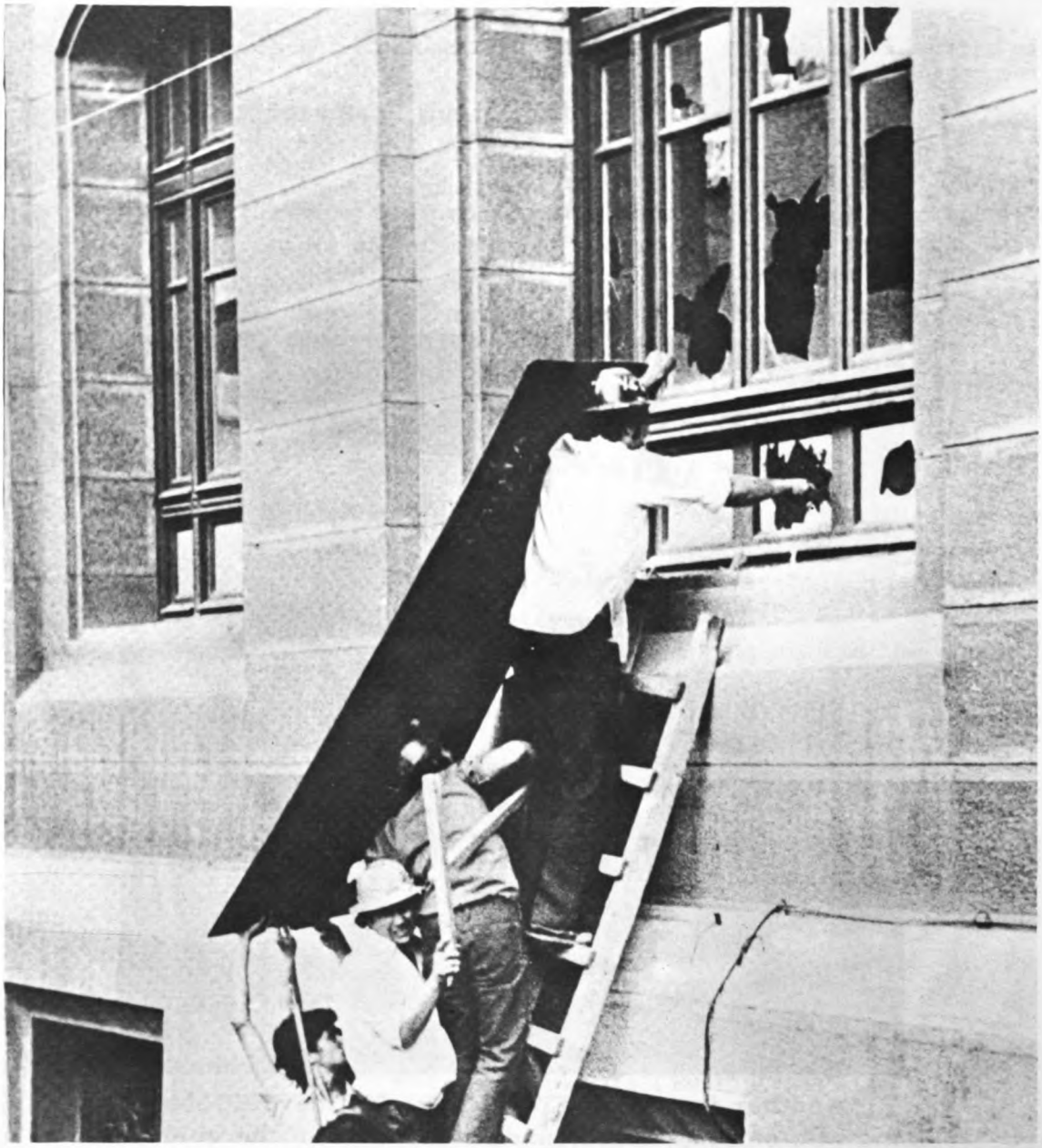

The "Ramona Parra" Brigade, the student arm of the Chilean Communist Party, was used to subdue by violence the students who were opposed to its ideas and methods. The photo shows members of the Brigade breaking into the Engineering School, during which democratic students were beaten.

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b. Revolutionary Students Front (FER)

Student branch of the MIR. Its fundamental activity was aimed at fomenting student disorders and strikes. (See page 176 [p. 174 of Spanish text]).

c. Revolutionary Farm Workers Movement (MCR)

Agrarian branch of the MIR. Its activity was aimed at the illegal take-over of farms and the proselytism and indoctrination of farm workers. It was especially active in the Cautín area, where it tried to exploit the situation of the Indian tribes for the purpose of bringing them into the Movement. (See page 176 [page 174 of Spanish text]).

d. Revolutionary Armed Forces (FAR)

Organizations formed for the purpose of infiltrating the Armed Forces and the Carabineros. Their activity was detected and controlled in time. (See page 176 [p. 174 of Spanish text]).

Ramona Parra Brigade (BRP). - It was created initially as a propaganda brigade of the Communist Party and made up basically of Communist Youth (JJ. CC.) groups. However, it soon became a shock brigade of this political coalition, made up of extremely daring and dangerous persons. (See page 173 [p. 171 of Spanish text]).

Elmo Catalán Brigade (BEC). - For the Socialist Party this was the equivalent of the Ramona Parra Brigade (See page 173 [p. 171 of Spanish text]).

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Unitary Popular Action Movement (MAPU) - A faction of the Christian Democrat Party which broke away and became part of the Unidad Popular coalition. Initially it was made up of intellectuals and university students. Like the Socialist Party and the MIR, it actively participated in attempts to infiltrate the Armed Forces and the bureaucracy in general. Its principal activity was to finance paramilitary organizations, a task which it fulfilled by resorting to all types of administrative abuses, embezzlements, thefts, illegal imports, fraudulent marketing, etc.

The Group of Personal Friends (GAP) - Its members were for the most part personal friends of Mr. Salvador Allende. Initially they were a small group whose sole function was to safeguard the President. This function was soon expanded to include acting as bodyguards for Ministers, members of Congress, administrators, governors, supervisors of nationalized industries and other administration leaders. It came to constitute a true armed force, equipped with individual and collective modern weapons of various types, among which were heavy machine guns, bazookas and anti-tank guns. Prior to the military uprising of September 11, it numbered almost 1,000 men with advanced paramilitary training provided by Chilean and foreign instructors in schools and training camps located among other places in the private residences of the ex-President. (See page 176 [p. 174 of Spanish text]).

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Civil Police - Part of this politically directed organization consisted of armed groups which, deliberately neglecting their normal duties, such as controlling crime, protected those who participated in activities contrary to the law, furthermore taking part in them in order to satisfy partisan political interests.

Foreign extremists - There were numerous groups of persons who were exiled from their countries for political or ordinary crimes. They entered Chile as members of international organizations such as the Center for Latin American Development Studies (CELADE) and the Latin American School of Social Sciences (FLACSO) for post-graduate studies and other educational and technical exchange groups. They also entered as diplomats accredited to embassies of socialist countries. The approximate number of foreigners who entered the country illegally was estimated in September 1973 at between twelve and fifteen thousand individuals of both sexes and various ages and occupations. It was later proved that their functions had only to do with ideological consciousness-raising and paramilitary training.

1. Preparation process

The guerrilla preparation process under the direction of the above-described paramilitary organizations could not go undetected by the Armed Forces and the Carabineros, in view of the constant investigation

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The Unidad Popular régime deliberately created a false image abroad, pretending to respect freedom of expression as guaranteed by the Constitution. Nevertheless, on repeated occasions it engaged in crimes against the person of opposition journalists. This is the journalist Jaime Valdés, beaten by Unidad Popular groups.

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An anonymous victim of the Unidad Popular mob, whose violence broke loose especially after the women's protest demonstration held on August 5, 1973.

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carried out by the military Intelligence Services, the analysis of the outcome of the arrests made and the increase in acts of violence consisting in attempted crimes, assaults, robberies, illegal occupations and violations of all types which were carried out by extremist organizations, both in urban as well as rural areas.

The statements made repeatedly by the Unidad Popular government to the effect that the Chilean process for a peaceful transition to socialism would not mean bloodshed, as well as to the effect that in its policy the government would comply with the Constitution and the law, were merely statements. The wave of terrorist crimes carried out by extremist organizations reached such a level that more than one hundred persons died violently during the almost three years of the Unidad Popular government. Those deaths were directly attributable to political motives.

The continuous street incidents occurring in the cities and in the country resulted in the deaths of several students, workers, law enforcement officials and innocent persons. Also, numerous persons were wounded by bullets, knives and even clubs. Several farm workers and farmers were killed or wounded in the take-over or illegal occupation of their farms.

2. Illegal introduction of weapons and explosives

The illegal introduction of weapons and explosives into the country

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was an obvious fact, which began from the moment the Unidad Popular installed itself in power. The methods used were extremely diverse and the traffickers themselves were members of Unidad Popular groups, including representatives of the government, the Group of Personal Friends (GAP), national and foreign extremists, diplomats and Marxist union members. To a great extent, the illegal traffic in arms was favored by the extreme vulnerability of the borders, as well as the lack of control and complacency with which the entry and operation in Chile of foreign elements was permitted.

Although potentially effective legislation on arms control was passed under pressure from the Armed Forces, and control came to be the responsibility of the "Military District Commands", the delayed implementation of that legislation, the cumbersome bureaucratic system that it was necessary to overcome in order to check out denunciations, and the obstructive action of the governmental apparatus itself, made it scarcely effective enough to permit the seizure of a small percentage of weapons, achieved through numerous arrests.

Repeated cases of illegal trafficking in weapons were a matter of public knowledge, such as those carried out via regular flights of the National Air Line (LAN-Chile), and denounced by company officials. Other cases were more dissimulated, carried out by means of marine

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shipments consigned as machinery, spare parts or general merchandise destined for government enterprises and those of the "social sector."

One of the most spectacular cases of illegal trafficking in arms was that of the crates brought into the country by the Director General of Investigations at the time, Eduardo Paredes, on his return from Cuba via the Línea Cubana de Aviación (Cuban Air Line). On his arrival at the Pudahuel International Airport, he declared that the crates contained personal gifts from the Cuban Prime Minister, Fidel Castro, to President Allende, which consisted of works of art. In view of the declaration made, the regular procedure of requesting Customs clearance was not followed. Instead, then-Minister of the Interior, Hernan del Canto, abusing his powers, allowed the crates to enter the country without going through Customs. In response to the public outcry which ensued, President Allende assumed responsibility for the illegal introduction of the crates, reaffirming that they contained works of arts and stating that they had been transported to, and stored in his Tomás Moro residence under his orders. Following the military uprising, Eduardo Paredes' home was broken into and a report in his handwriting was found, in which a detailed list of the true contents was given. The crates contained a veritable arsenal weighing over a ton and consisting of the following weapons and ammunition:

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164 9mm machine guns
103 38 and 45 caliber semi-automatic pistols
175 38 caliber revolvers
2 Mod. 25 9mm submachine guns
6 PG-7 rockets
1 MAKAROV 9mm pistol
25 pistols (various) for training purposes
14,375 9 mm cartridges
15,000 38 caliber revolver cartridges
5,000 38 caliber revolver cartridges
5,000 38 caliber pistol cartridges

It is noteworthy that the majority of the weapons acquired from abroad and smuggled illegally into the country were of Russian and Czechoslovakian manufacture.

3. Urban system

The urban guerrilla system was based on the establishment of numerous fringe settlement or shanty-towns which, through illegal take-overs, were distributed strategically around the principal cities and main population centers. Added to the above was the expropriation of numerous businesses, industries, services, etc., which, occupied arbitrarily by workers and office employees upon instructions from the union organization, the Federation of Labor Unions (CUT), were politically directed by Marxist leaders of the Unidad Popular. These businesses, industries, services, etc., made up the so-called industrial belts which were established in practically all areas of the country, particularly in the capital and the principal cities where they could serve, according to their own managers and executives, as powerful defensive bastions to block any take-over attempt that might be planned against the Unidad Popular government.

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The broad extent and perimetric distribution of the above-mentioned industrial belts, especially those organized around Santiago, enabled their members to act alone and/or simultaneously with the residents of the fringe settlements and with Marxist university students on nearly all the roads leading to the city center, forming various successive echelons of defense and action. With the location, boundaries, and extent of the industrial belts, their members meant to control the different units of the Armed Forces located in the city as well as the main public utility installations and access roads to Santiago. Each belt was organized into a main headquarters and several branches, from which instructions were issued to the businesses and industries comprising it. There were organized groups to carry out warning, watchdog, supply, transport and telecommunication functions, as well as shock groups trained to act as armed units.

According to information compiled by the Intelligence Services, in Santiago there were 14 industrial belts which comprised around 5,000 businesses, factories and large, medium and small industries, with a labor force estimated at between 80,000 and 90,000 workers and office employees. To these numbers were added some 6,000 university students and 220,000 residents of the various fringe settlements controlled by Marxist organizations, which brought the total to around 320,000 persons.

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One of the most common actions was the taking by force of rural property holdings or farms, in which were then installed a camp of the Revolutionary Farm Workers movement, a farm workers' subsidiary of the MIR.

/Upper sign/ A. RIOS CAMP
LAND OR DEATH
REVOLUTIONARY FARM WORKERS MOVEMENT

/Lower sign/ THE STRUGGLE FOR LAND

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The weapons, ammunition, explosives, provisions, medical supplies, and other matériel were stored in the businesses and industries themselves or were located in private homes and in vehicles. Though the matériel was not fully distributed, there were instructions to produce it when the appropriate orders were given.

As for the state of readiness of the urban guerrilla system, there were various ways to sound the alarm which could be done through sending preestablished codes and countersigns on official broadcasting stations or by using its own means of internal communication.

4. Rural system

The use of the rural guerrilla system was preferred in the illegal seizure of farms and in the indiscriminate expropriation of land which was carried out with the intervention of the Ministry of Agriculture itself through the Agrarian Reform Corporation (CORA), an organization established during the Christian Democrat administration to carry out the process of redistributing the land.

During the Unidad Popular period, this expropriation action was carried out according to a partisan political pattern which caused numerous farmers to react openly, even to the point of defending their land with guns against the abusive imposition of representatives of the administration. This situation led to the increase in illegal seizures by

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Despite the fact that the Agrarian Reform law stated that "the land is for those who work it," the Allende régime conducted a series of forced expropriations of rural property holdings under production, which caused the farm workers involved to defend their farms even by taking up arms.

[Sign] WE DO NOT ACCEPT ANY KIND OF EXPROPRIATION

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extremist organizations, resulting in some cases in completely uncontrolled situations in which the organizations resorted to sabotage, arson, and looting in order to achieve their desired objectives.

5. The training of guerrilla fighters

The paramilitary training of the extremist organizations was carried out in numerous installations distributed throughout various areas, both in the cities and in the country. In the cities, a large part of the theoretical indoctrination was accomplished in the executive offices of the political parties which comprised the Unidad Popular, as well as in private homes where periodic meetings took place and which in general were used alternately in order to keep the meetings secret, and in State-controlled factories. In many of these installations, besides training activities, the organizations manufactured all kinds of rudimentary explosive devices which were stored or distributed for use in the commission of crimes and acts of violence.

During the numerous house searches which took place immediately following the military uprising, many extremists who remained behind were arrested and the military seized large amounts of weapons, war matériel of all types and kinds, national and foreign currencies, quantities of instructional materials, including plans and documents which are being analyzed and evaluated by the intelligence Services of the Armed Forces and the Carabineros.

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In the Santiago area in particular, besides the Tomás Moro and El Cañaveral residences of ex-President Allende, guerrilla and paramilitary training schools were found in several of the camps which comprised the previously mentioned defensive belts. Special mention must be made of the "January 26", "Elmo Catalan", "July 26", "Lenin" and "New Havana" camps. An extremist group of the MIR was particularly involved in the last-named camp located in the San Miguel commune. This group was commanded by Alejandro Villalobos (alias Mickey), whose audacity reached such an extreme as to limit the activity of the uniformed police, personally directing several confrontations between the camp residents and the Carabineros.

In the rural sector there were several guerrilla centers located primarily in the provinces of Cautín and Valdivia, among which those in Nehuentué (Cautín), Liquiñe and Panguipulli (Valdivia) are noteworthy.

In Nehuentué, near Nehuentumé, in the coastal area of Temuco, during simultaneous searches carried out by the Chilean Air Foce (FACh) together with Army units, approximately 30 extremists of the MIR were arrested, although others managed to escape. A factory which manufactured grenades, detonators and great quantities of explosives was found, as well as electrical equipment, a high-powered radio transmitter and receiver, a large amount of literature on guerrilla warfare, weapons,

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ammunition and fairly sophisticated home-made anti-tank guns, indicating the supervision of highly specialized activists.

In the Liquiñe and Panguipulli camps, both located in the province of Valdivia, many MIR activists, several Argentinians of the Revolutionary Army of the People (ERP) and some Uruguayan Tupamaros were arrested. Among the weapons seized were Argentinian machine guns which had been stolen in Córdoba. The Panguipulli area, comprising a lumbering complex, was a fairly unstable zone where the principal leader, José Gregorio Liendo, under the pseudonym of "Comandante Pepe", maintained a complete extremist organization which caused unrest among the entire population of the area. On September 11, "Comandante Pepe", at the head of a group of extremists, attacked the Carabinero Reserve Corps at Neltumé. He was captured, tried and shot.

6. Extremist plans

The overall planning of the guerrilla organizations was aimed at putting Plan Z into effect (See Annex No. 13). This fact became known a few days after the military uprising when the Armed Forces and Carabineros captured documents revealing the objectives of the plan in the office of a high official of the government. The plan consisted in carrying out a self-coup which would take place in September 1973, preferably during the National Independence Day anniversary celebrations. It provided for the massive participation of national and foreign extremists, and included the physical elimination of high-level officers of the

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Armed Forces and the Carabineros, as well as opposition political and union leaders. In addition, the plan contemplated the isolation of military units in the cities of Santiago, Valparaíso, Concepción and Antofagasta, the control of road, rail and air access routes, and the occupation of strategic geographic centers to encircle, harass and destroy centers of armed resistance.

The plan contained detailed instructions for carrying out each phase contemplated. The full details of the self-coup may have been finalized in August 1973, during the visit of two well-known Cuban communist leaders: Vice Premier Carlos Rafael Rodríguez and Chief of the Secret Police Manuel Piñeiro, know as "Redbeard". The visit, which was announced as being for the purpose of discussing the position both governments would adopt at the Conference of Non-Aligned Countries that was to take place in Algeria a short time later, had another purpose as may be inferred from the personal letter from Fidel Castro to Salvador Allende, which is included here in Annex No. 14.

Plan Z, in its point 4, contemplated the following objectives:

4-A Eliminating the top-ranking officers of the High Commands and of the Armed Forces Units.

4-B Confinement of the leaderless military units to their bases in the capital and in the provinces.

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4-C Control of the road, rail and air access routes to Santiago, Valparaíso, Concepción and Antofagasta.

4-D Occupation and defense of strategic centers.

4-E Encirclement, harassment and destruction of seditious centers, and arrest of seditious persons.

4-F Ensuring communications between:

(a) The Government and the people

(b) The political-military command and the fighting popular forces.

4-G The security of Allende and that of political and mass leaders.

7. Chronological report on guerrilla activities and acts of violence

1971

Feb. 3 The existence of a guerrilla center in Liquiñe is determined.

Feb. 6 Assault on the Santo Domingo hardware shop.

April 24 Assault on and robbery of the "Don Raúl" business establishment (Organized Vanguard of the People).

May 24 Assault on the "Montemar" store; murder of a Carabinero and arms theft.

June 8 Murder of Pérez Zujovic by order of the Organized Vanguard of the People.

June 16 Suicide assault on the Investigations Police by members of the Organized Vanguard of the People.

July 18 Carabineros report on having seized, up to June 15:

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- 339 factories
- 658 rural property holdings
- 218 urban property holdings
- 154 educational establishments.

July 31 — Assault and murder of a farmer in Rancagua.

Sept. 12 — Training camp found in Chapunco (Llanquihue).

Sept. 15 — Forcible entry and search of Club Kankahuasi (Choshuenco)--explosives found.

Oct. 18 — Following a confrontation, police arrest five commandos of the FAR.

Oct. 6 — Forcible entry and search of the FAR headquarters in Santiago--weapons found.

Oct. 10 — A vehicle containing explosives is detained in Valdivia.

Oct. 13 — A vehicle containing weapons is detained in Talca (CORA).

Oct. 22 — Government recognizes the presence of fighting groups in Panguipulli under the command of José Liendo ("Comandante Pepe").

Oct. 23 — Assault and seizure of the Chesque farm in Loncoche; 1 dead and 1 seriously wounded.

Oct. 27 — A review of armed confrontations to date in the Cautín province published in the press; a total of 4 dead and 19 wounded.

Oct. 28 — Upon forcible entry and search of the "Casas Viejas" farm (Loncoche), arms and explosives of the MIR are found.

Oct. 30 — Assault on the public road construction dynamite storehouse located on the north road of Lake Panguipulli reported--theft of explosives.

Dec. 13 — Forcible entry and search of the "El Eucaliptus" farm (Parral)--arms and explosives found.

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Jan. 28 List of foreigners from socialist countries who entered the country after Sept. 4, 1970 is submitted to the Senate. Total number is 21,086, of whom 1,178 are Cubans.

March 11 Thirteen crates, containing arms and ammunition from Cuba are unloaded at Pudahuel.

March 17 Eight government officials are detained, some in Chalquán Chico (Yumbel)--weapons found in government vehicles.

March 25 Following a confrontation, "Comandante Nelson" is arrested in Chillán.

March 31 Arms and ammunition found in a government van driven by a GAP member who was involved in a collision in Curimón.

April 14 A government van returning from Argentina with 1,300 missiles is detained.

April 21 Arms and ammunition found upon forcible entry and search of Villavicencio 371.

May 23 The owner of a packing house in San Fernando is killed.

May 24 A training camp of the Elmo Catalán Brigade is discovered in Piedras Blancas.

May 27 The Abbott Laboratory is broken into--medications stolen.

Aug. 5 Forcible entry and search of the Hermida settlement resulted in 1 dead and 11 seriously wounded.

Aug. 5 Because of the explosion which took place at the ENAMI Refinery (Las Ventanas), an investigation was made and explosives and weapons were found.

Aug. 23 1 dead and 15 wounded in Los Angeles during a confrontation between demonstrators and extremist brigades.

Aug. 24 2 dead and 5 wounded in Frutillar during a confrontation between farmers and Marxist brigades.

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Aug. 30 Corporal Exequiel Aroca is murdered in Concepción, shots fired from the Socialist Party headquarters.

Sept. 5 A socialist commando unit breaks into the Central Hospital to steal medications. Subsequently, the commandos are arrested and arms and explosives are found on them.

Sept. 6 1 dead and dozens wounded in Santiago. Confrontation between the MIR and students.

Oct. 25 2 armed foreigners traveling in a government vehicle are arrested (ODEPLAN).

Dec. 21 1 person shot dead and 2 wounded in a confrontation in Chillán.

1973

Jan. 17 Attempted assassination of candidate Arturo Frei in Concepción.

Feb. 15 Another attempted assassination of candidate Arturo Frei in Chiguayante.

Feb. 26 Assault attempt on the FACH [Chilean Air Force] town in Puerto Montt.

March 16 2 Christian Democrat militants die in an attack by leftist extremists.

April 30 A demonstrator dies in Santiago in front of the Christian Democrat headquarters.

May 16 The "Luciano Cruz" training camp in Concepción is discovered.

June 19 Confrontation between Police Group 7 and BRP members in Los Cerrillos.

June 29 Tank attack.

July 6 Forcible entry and search of road construction warehouses --explosives found.

July 15 Forcible entry and search of Angol Normal School--arms and explosives found.

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July 18 Arms found in a vehicle driven by a GAP member which was involved in an accident.

July 19 Forcible entry and search of ENAMI (Valparaíso) and CCU (Limache)--weapons and explosives found.

July 26 Commander Arturo Araya murdered.

July 26 Attempted dynamiting of the Simon Bolivar radio station in Concepción.

July 28 Assault on the high tension tower 18 Km. from Yungay.

July 31 Discovery of the following is reported:

- Che Guevara Camp 40 Km. from Villarrica
- Training camp in the CORA settlement 10 Km. from Mehuí
- Guerrilla activities in Panguipulli.

Aug. 18 Assault on the Carabinero post 3 Km. south of Bulnes.

Aug. 7 Assault on the oil pipe line in Curicó.

Aug. 15 Assault on a service center -liquefied gas (Santiago).

Aug. 25 Forcible entry and search of Talcahuano - (discovery of arms and explosives).

Aug. 29 Murder of 2nd Lieutenant Héctor Lacrampette.

Aug. 31 Confrontation between Brigade members and Carabineros in Valparaíso.

Sept. 18 A guerrilla camp discovered in Nehuentué.

Sept. 7 Forcible entry and search of the Sumar factory. Resisted with firearms.

Sept. 7 Discovery of a guerrilla center in Mahuel Malal (Cautín) reported.

8. Present situation

We estimate that at present the guerrillas in Chile are reorganizing,

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concentrating their main efforts on reconstructing their bases, reactivating their cells, and replacing disabled or fallen leaders.

The guerrillas will also attempt to increase their infiltration into political, labor and student organizations, the government bureaucracy, and the Armed Forces and Carabineros. They will also try to collect money and arms with domestic and foreign support.

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ANNEX No. 13

FROM: P-4
TO: AGP Santiago
Date: 8-25-73

MOBILIZATION AND OPERATIONAL PLAN FOR A COUP D'ETAT

Code Name: PLAN Z

1. CASES IN WHICH THE PLAN WILL BE PUT INTO EFFECT:

Z-A: Organization of a Coup d'Etat in order to conquer Total Power and to impose a Dictatorship of the Proletariat against a part or a majority of the Armed Forces supported by civilian groups.

Z-B: Death of Allende by violence.

Z-C: Foreign invasion with the acceptance or complicity of the country's Armed Forces or seditious civilian forces.

2. POPULAR FORCES:

a. Organization of the masses.
b. Organization of political parties: regional and local.
c. Apparatus.
d. Loyal Armed Forces.

3. BASIC PRINCIPLES FOR THE DEVELOPMENT OF THE PLAN:

3-A. To achieve the dispersal of the enemy forces, throughout the nation and in those important cities where they operate.

3-B. To set up operational centers in areas that are especially favorable for the revolutionaries because of the population's support, proletarian concentration, advantages for a tactical control of large cities, and facilities for street riots and barricades.

3-C. To disperse the forces of the masses in the face of superior enemy fire; to avoid decisive frontal struggle.

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3-D. To concentrate popular forces against the enemy's retreat, indecision, weakness or demoralization, for the purpose of destroying it.

4. OBJECTIVES OF THE PLAN:

4-A. To eliminate the top-ranking officers of the High Commands and of the Armed Forces units.

4-B. To keep the leaderless military units in their bases, in the capital and in the provinces.

4-C. To keep control over highway, railway, and air access to Santiago, Valparaíso, Concepción, and Antofagasta.

4-D. Occupation and defense of strategic centers.

4-E. Encirclement, harassment, and destruction of centers of sedition and arrest of seditious persons.

4-F. Ensuring communications between:

a. The Government and the people;
b. The political-military command and the fighting popular forces.

4-G. Allende's personal security and that of political and mass leaders.

ACHIEVEMENT OF THE PLAN'S OBJECTIVES: ORGANIZATION AND TASKS

4-A. TO ELIMINATE THE TOP-RANKING OFFICERS OF THE HIGH COMMANDS AND OF THE ARMED FORCES UNITS.

Introduction: The physical elimination of the High Commands and the top-ranking officers of the enemy forces will be essential in order to weaken and demoralize any disloyal reaction. The customary meetings and gatherings which take place in the celebration of the country's anniversary will offer a favorable opportunity for massive and coordinated action in every major city.

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A-1. The Regional Command will use the special groups (NPE) in the principal city of its respective area to eliminate by firearms the officers commanding troops in their gathering places for the Military Parade on September 19.

A-2. The GAP of the La Moneda Palace and the Provincial Government Office will proceed simultaneously to assassinate the generals, admirals, and other high-ranking officers who will be attending an official luncheon given by the Government on the occasion of the Army's Anniversary.

A-3. The leaderless military units will be quickly controlled by the loyal elements that we have succeeded in infiltrating into their organizations. We must bear in mind that we have no members in the ranks of the Marines and consequently those forces must be controlled as soon as possible by units supporting our plan.

A-4. The guards at the gates of barracks must be overcome and controlled by armed neighborhood organizations with the cooperation of loyal elements and other units previously infiltrated. In those barracks where greater resistance is offered, the Special Groups (NPE-3Z) will go into action. On ships, our followers and those who have been infiltrated will prevent their sailing and will subsequently facilitate their capture.

4-B. KEEPING DISLOYAL MILITARY UNITS AND WHITE GUARDS IN THEIR PROVINCIAL BASES.

Introduction: The main objective will be to isolate the cities that are military bases in order to avoid the concentration of troops, especially in Santiago, Valparaíso, and Concepción, which might prove decisive in the struggle. Therefore, the popular forces of cities in which disloyal military units are based must prevent, at all costs, the departure of those units or of the white guards from their headquarters. This objective must be achieved even before verifying the submission of the respective unit to the Plan.

B-1. The regional command will carry out the plan of control of the city belt highways by the masses (AGP) immediately upon receipt of the central notice of implementation of the Plan. The AGP is to make use of the following devices: homemade weapons, barricades, previously planned obstacles, vehicles, carts, oil spill, bonfires, etc.

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B-2. Upon verifying that a military unit has refused to submit, the regional command will put the sabotage plan into effect under the L-6's responsibility in order to destroy land communications from the city and prevent the use of airports. In order to achieve those purposes, bridges and major highway or railway grade crossings will be blown up and landing fields will be made useless. B-2 will be implemented upon notification that the second phase of Plan Z is to go into effect.

B-3. The regional command will immediately develop the plan for the neutralization and capture of the military unit, with the active presence of the masses in front of the barracks. The propaganda will call for the patriotic rejection of sedition, the support of the people and their Government, and not to shoot against their people, etc.

According to the size and organization of the popular forces and their relation to the enemy's number, quality and strength, and also to its resistance, the plan for surprising and occupying the unit is to be put into practice. This will be done in order to destroy it and to take possession of its armament. The AGP and L-6 will be responsible for the Plan.

B-4. The cities with military bases will be set up as regional command centers. The popular forces in neighboring zones and villages around nearby cities which do not have military bases shall converge upon them. Every available means of transportation is to be used, thus, the immediate confiscation of collective means of transportation, cars, trucks, etc. shall be ordered. These converging popular forces will preferably occupy the highway control sites of the city where that regional command has its base.

B-5. The popular forces will immediately take over the principal radio station in the city, which will constitute an important objective to defend. Radio programs will be prepared in advance. The L-6 and AGP will be responsible for the Plan.

B-6. The immediate arrest of officers and of opposition seditious elements on black lists, and their transfer to places of imprisonment and elimination shall take place.

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4-C. CONTROL OF AIR, RAIL AND ROAD ACCESS TO SANTIAGO, VALPARAISO, CONCEPCION AND ANTOFAGASTA

Introduction: The control over the country's principal cities shall determine the success of a possible counter attack. Preventing the concentration of enemy forces in these cities, as well as their coming out in order to concentrate in some of these cities, is essential to the outcome of the struggle.

C-1. There shall be an organized concentration of the masses; in battle formation in preestablished places or areas controlling the access routes to and exits from these cities and which coincide with workers' and populous zones. The regional commands shall elaborate a thorough battle plan for each of these cities (Annex: AGP Plan).

C-2. Application of the plan for the sabotage of bridges, grade crossings, gorges, etc. in order to impede highway and railway traffic. L-6 will be responsible for the plan to be applied strictly according to explicit orders.

C-3. Mobilization of the masses (peasants, miners) from the outskirts or nearby villages who will be in charge of harassing and impeding the enemy's deployment along access highways to these cities. The regional commands will be responsible for the plan.

C-4. Application of obstruction and sabotage plans for airports and landing fields of these cities. This will be done by the masses and by G-0 as well. L-6 will be responsible for the plan. It is to be applied only upon explicit orders.

4-D. DEFENSE AND OCCUPATION OF STRATEGIC CENTERS

D-1. Once notice has been given for Plan Z's application, workers from the strategic centers shall immediately take possession of such places in order to exert total control over them according to a previously approved program (Annex: Definition, enumeration, and organization of the struggle in the strategic centers).

D-2. The strategic centers will be backed by popular forces who shall occupy positions within them or shall move outside them in protective missions. The regional commands shall determine the number and origin of these popular forces together with the central command of the strategic centers.

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4-E. ENCIRCLEMENT, HARASSMENT AND DESTRUCTION OF CENTERS OF SEDITION

E-1. In Santiago, especially, the popular forces concentrated in a position of encirclement around the city, with complete control of access routes and exits, shall have as an immediate mission the effective consolidation of the peripheral control, the encirclement, and harassment of the enemy forces according to instructions to be given during the fight. The concentration plan for the achievement of 4-C-1 shall complete the plans for deploying the forces from their concentration places to possible points for the harassment and destruction of the enemy forces. (Disloyal units, right wing bastions, etc.).

E-2. In cities like Santiago, Valparaíso, Concepción and Antofagasta, the popular forces will concentrate in pre-arranged points in the city, appropriate for defensive positions of control of the city, besides the concentrations of the masses on the outskirts. From these points the concentrated forces will also receive specific missions during the fight. The 4-C-1 plan will also contemplate plans for the possible movements of these forces.

E-3. The L-6 belonging to each of these cities shall apply operational plans for the control and destruction of seditious groups. (Annex: 4-E-3).

E-4. The L-6 shall apply operational plans for the arrest and holding of seditious elements in preestablished locations.

4-F. ENSURING COMMUNICATIONS

_ Between the Government and the people:

F-1. The OIR shall apply a broadcasting plan using controlled commercial radio stations or by means of our own broadcasting equipment specially prepared for Plan Z. (Annex: Plan 4-F-1).

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F-2. L-6 will carry out plans for occupying and protecting the chosen radio stations in Santiago, Valparaíso, Concepción, and Antofagasta. (Annex: Plan 4-F-2).

— Between the military-political command and the fighting popular forces:

F-3. A national and independent communications system will immediately be put to work through different radio stations according to a previously established plan. (Annex: Plan 4-F-3).

F-4. An immediate connection of communications systems and urban and district connections shall be applied according to a regional and district plan.

4-G. ALLENDE'S PERSONAL SECURITY, AS WELL AS THAT OF NATIONAL AND REGIONAL LEADERS AND OF MASS FRONTS

G-1. Allende's personal security and that of his closer Government collaborators will be one of the main objectives of Plan Z. The plan for Allende's personal security will be put immediately into force through the GSA (Plan 4-G-1).

G-2. Immediate application of security measures contemplated in Document No. 1 of P-4 for national and regional committees and for leaders of the masses (Annex: Doc. No. 1 Plan 4-G-2).

5. NOTICE FOR THE APPLICATION OF PLAN Z

The AGP and L-6 regional commands shall apply Plan Z in its first stage in the following cases:

1. When receiving explicit notification from source Z-A (This shall tentatively occur September 19, 1973).

2. When notification is received that the circumsntances of Z-B and Z-C have actually taken place.

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PLAN Z

PLAN — PROVINCE OF SANTIAGO (Incomplete)

\+ Important: Buin Regiment — San Bernardo Infantry Regiment - Tacna Regiment — Armored Regiment No. 2.

— Important: School for Non-Commissioned Officers - Puente Alto Railroad Engineers — Tejas Verdes Army Engineers (San Antonio) - FACH (Chilean Air Force) - El Bosque - Carabineros Group 7-10. (R. Araya Special Service).

Non-important units (others)

Hypothesis: Institutional Coup

Relying on 1 unit of Armed Forces regulars. Buin and Tacna Regiments, to take over center of Santiago (La Moneda Palace).

Enemy: Attack by Armored Regiment No. 2 - San Bernardo Infantry School, civilian forces (2 alternatives)

1) Support by new rebel sectors coming from uptown residential districts to the downtown area.

2) Logistic support, minor tasks, information, supplies to the downtown area, open lines of communication.

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- Response of the people: (demonstration of strength and psychological warfare tasks, general strike, seizure of factories, formation of patriotic bases, control of areas near factories).

- Military tasks

1) Macul

Objectives: Block passage of Fascists to downtown area of Santiago— impede efforts by Telecommunications Regiment to control radio stations and by Puente Alto Railroad Engineers to advance towards the downtown area via Macul (Macul – Américo Vespucio Circumvallation).

Tasks: 1) Control of the zone surrounding the industrial belt. La Faena settlement -- residents to go to the industrial belt, pick up weapons and return to settlement to organize their defense.

2) Clear out Fascist sectors

3) Control broadcasting stations

-- Disable those belonging to the enemy
-- Protection of our own stations or their destruction in case of loss.

4) Control the advance of Regiments

-- Mobile defense -- harassment
-- Flank attack (farmworkers of La Florida)

Mining of the highway – Barricades in various
Snipers places
Sabotage, etc.

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II. VICUNA MACKENNA NORTH-SOUTH

Objectives: To establish a zone under popular control
V. Mackenna - San Miguel - Cisterna - Granja - Florida.

- Prevent or delay passage of regular enemy troops
- Eliminate enemy civilian forces

Hypothesis: Puente Alto Railroad Engineering Regiment advances through V. Mackenna. Experts in destroying as they advance. Try to decimate their numbers.

Tasks: Control of the zone 1) Clear out Fascists
2) Control working-class residents

- Self-defense of the settlements

Prevent the passage of regular enemy forces

- Starting from Bus Stop 14 (La Florida)
- Mining of trucks
- Snipers.

El Pinar sector and Bus Stop 8, etc.... barricades
- operational groups.

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III. PUENTE ALTO

Objectives: Prevent the departure of the Regiment for Santiago

Tasks: — Control of the zone

— farms
— housing settlements

Harassment of: military population
paper manufacturing company
Regiment

Cutting off electric power, drinking water, street forces, seizure of the paper manufacturing company, etc...

Pirque: — Cut off electric power to La Papelera paper company
Isolate Pirque.

IV. GRAN AVENIDA - OCHAGAVIA - SAN JOAQUIN

Objectives: — Prevent or delay San Bernardo Infantry Regiment.
— Weaken its lines of communication and supply.

Hypothesis: — The San Bernardo Infantry Regiment, frontal unit of the coup, together with Armored Regiments therefore advances toward Santiago; the best route is the Ochavagia highway, without obstructions, technically favorable for them. Operating in conjunction with FACH which provides transport.

Tasks: — Control of the zone (in case we must retreat)
— Self-defense of the settlements

Harassment – development of operational groups that assume a military role ...

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Regiment ... with great mobilization possibilities, therefore of importance and must keep lines of communication and supply open.

— Leave relay stations —elimination of ...
— mobile vigilance (machine gun-carrying jeeps)

For this they may use:

1) their own force
2) people from El Bosque — FACH
(the + probable: protect their rear guard)

Our operational groups: — Blow up highway overpasses
— Irregular fights
— Boycott and sabotage tasks

Set up a group across from El Bosque (U. P.) facing the Military Housing Base.

If the San Bernardo Infantry Regiment is with us, role consists in clearing the highway, harassing the FACH.

V. CERRILLOS - MAIPU - PAJARITOS

Objectives: - Hold down FACH in its zone

Hypothesis: — FACH moves to the city center
— air and land operations in the belt itself
(policy) necessary destruction of popular power

Tasks: Force battlefield to be Cerrillos

1) Control of the rest of the zone (Melipilla - Pajaritos - Maipú road)
2) Harass troops

— Mining of roads
— Bombarding of entranceways (mortars of ...)
— Snipers with instructors

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3) Disable runways of airplanes

- Drive road scrapers and bulldozers onto the runway (west side) and leave them there.
- Disable airplanes
  Infiltration among FACH mechanics — electrical circuit

VI. MELIPILLA ZONE

a) Talagante: Control roads and zone to prevent Army chemistry laboratories from taking out equipment

b) El Monte: Form a farm workers' militia (it can be formed)

- Control of the zone
- Roads
- Harassment
- Movements

c) San Pedro - Alhué:

San Pedro: liberated zone (withdrawal)

- Control of the zone
- Control the situation of . . .
  Melipilla
- Control road to Rapel
  San Antonio

d) María Pinto:

- Control of the zone

Blockade road leading to Casablanca - Melipilla - Talagante - Algarrobo - Peñaflor.

There are organized Fascists.

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e) Melipilla: — Road control
— Support from other zones.

VII. SAN ANTONIO

Objectives:
- Hold down the Tejas Verdes Regiment in its zone
- Control of the harbor and harbor equipment (El Teniente explosives warehouse - 2 months).
- Convert agricultural zone into a supply zone for ourselves (20,000 head of cattle)
- Control road to Rapel
  Coast road from Mirasol to Valparaíso.

Tasks:
- Control of the zone (harbor control)
- Elimination of civilian Fascists
- Create confusion among regimental and military personnel.

Enemy military action (3 alternatives)

Tejas Verdes:
- control of the harbor
- clear road to Rapel

  control Rapel, open up road from Rapel to the South.
  (strategic importance of Rapel and . . .)

  If possible, control San Antonio in order to unload materiel.

- Valparaíso Marines land at San Antonio and advance toward Santiago.

VIII. RECOLETA - CONCHALI - RENCA

Hypotheses:
1) The Buin Regiment is not with us.
2) The Buin Regiment is with us.

1) Objective: Hold down the Buin Regiment in the regiment zone and at San Cristobal Hill.

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Tasks: Development of operational groups: harassment missions, dynamiting, irregular fighting on the hill.
Open the Renca road so that troops from San Felipe and Los Andes can reach Santiago.

2) Objective: Enable the Buin Regiment to reach the city center

- open lines of communication for it.
- give it the support of the masses
- secondary tasks: information
  supplies
  food preparation
- keep roads to the North open so that the San Felipe - Los Andes Regiment can arrive.

IX. DOWNTOWN SANTIAGO

Objectives:
- facilitate the work of loyal troops
- harass enemy troops
- prevent Fascists from reaching downtown area.

Tasks:

1) Control of the zone

   key downtown buildings

2) Erect a retaining wall at Plaza Italia to stop Fascist militias from reaching the uptown residential districts. Can be done by Carabineros using light armored cars.
   - "miguelitos" /_Mickeys_/
   - Molotov cocktails
   - barricades

3) Defense of J. J. Aguirre Hospital (Blood Bank) by construction workers of that area.

Problems of the plan as a whole
- Implementation plan is poor
- Instruction adequate to the plan
- Defense of factories in production

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1) Withdrawal: At present, the Plan only contemplates victory
Prepare a retreat alternative for each region.

Breakdown: 2 retreat zones < San Miguel / San Pedro

But there is no overall plan

2) San Cristobal Hill

- of military importance because of its height
- of military importance if the Buin Regiment supports us; the Military Academy could take the hill.

3) Role of the farm workers of Barrancas (Pudahuel - road to airport)

4) Role of the farm workers of Colina
Colina Air Base
Peldehue Special Training School

5) Role of the farm workers of Buin and Paine (block the road at Angostura)

Youth Regiment

Criteria

1. Operate as a student regiment (Unidad Popular youth group)

1) /Seizure of strategic centers/

places of concentration of ...

University of Chile
- take over Engineering School (prevent Fascist groups from taking it over)
- Law School (rearguard of Buin Regiment)
- North Medical School, J. J. Aguirre Hospital

Catholic University — Central Building < TV Channel 13 / Hospital / Fascist stronghold

2) Shock Group tasks - propaganda and communications

Antifascist shock troops
Poster hanging
Agriculture -- workers in Buin can support the work there.

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3) Partisan links

DUOC (University Department for Workers and Farm Workers) blockade Recoleta sector

—— o ——

General tasks

- During first 48 hours, build up morale of fighters (special instructions available)
- Weaken morale of enemy troops based on their obedience to the Commander in Chief.
- Operations against civilian enemy forces.

—— o ——

Take-over of the entire region

Secondary Schools: 15 comrades take over Public School No. 7 on Diez de Julio Street.

Catholic University: Engineering School, University of Chile

SOUTHERN REGION

management of the industrial belt
election of 2 comrades on the list

4 industries

Siam di Tella
Savory
Standard Electric
Electromechanics

Jobs:

- Direct indoctrination to the V. Mackenna Belt
- Liberated zone: La Granja - indoctrination
  Clear out the Fascists. No. Here lst indoctrination project - intelligence
- Sótero del Río - field hospital

  Villa O'Higgins.

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There have been no conversation with the Unidad Popular.

— Cisterna – there is no military development

In general, there is no indoctrination among the population. It will be organized from La Granja.

— Indoctrination /San Joaquin/ better with the management of the industrial belt
* Sumar
* Andina Indoc
2 factories
* Montanari Stampa
* Importadora Rodas
* Os.

— Santa Rosa - Gran Avenida Madeco Mademsa * no indoctrination

1 comrade in the management

/CORDILLERA/

+ greater developmen

Merck Laboratory included in the V. Mackenna industrial belt

Macul industrial belt

CUT. Nuñoa section -- Operations Center

Establish center for defense and attack against Fascist groups

— Support of residents of V. Mackenna Norte — Macul area

No military instruction among the residents

Florida: work with farm laborers - difficult

Puente Alto: Departamental CUT has influence on Unidad Popular leaders. Contact with Cordillera Youth Regiment begins today.

Production control tasks < Macul: good
V. Mackenna Norte: in some industries

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Zone control tasks

Role definition

Problem: — There are instructors on the regional level
— How work is done

— supplies being gathered
— check supplies of other materials

Control of Technical Services

— electric plants
— hospitals
— East Campus - V. Mackenna Catholic University

Problem: — Telecommunications Regiment

Hospital Centers (considered in the plan)

South — Sótero del Río
Cordillera - Salvador Complex - Thorax - Neurosurgery
Cases can be mentioned.

North — J. J. Aguirre Hospital
North — San Juan de Dios — First Aid Center No. 3

/Central Region/

2 types of Local Centers

M. Rodríguez Local Center 4th Commune < Central Railroad Station
Security Center

Ho Chi Minh Center - (downtown) Hospital zone Contacts with the
Unidad Popular
Psychiatric Hospital P. C.
San Jose P. S.

Che Guevara Center: (banking) — Acquisition of funds (prior)

Violeta Parra (Government) prior phase - by sectors
- Propaganda tasks - poster hanging. Use of washable paste.

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O'Higgins Industrial Belt (little presence in industries)

Presence in settlements — Isabel Riquelme
50 militants
Slaughterhouse
Contact with Northern and Southern Regions

Fronts: Monthly conditions at the fronts

Commerce - previous role

Construction: progress in some settlements - La Pincoya

Gas Station Attendants < filling gas tanks for comrades
linked to their zones

Delay in military instruction - non-priority requirement

— Contacts with other parties - fluctuating

Meetings with Party leaders < Communist Party — Commerce
Socialist Party
Christian Leftist
Radical Party
Unitary Popular Action Movement

Socialist Party - contact
Agreement with Communist Party - means of contact with military situations.

Central Industrial Belt - little presence in the management

Instructions — 8 comrades — 25 +

Potential instruction — Isabel Riquelme 5 encampments

Development of the propaganda apparatus for the press I. Riquelme
Central sector

Health apparatus — J. J. Aguirre
Participation with all committees

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Matucana Industrial Belt — Railroads < operative plan / infrastructure

Verification tasks — Fascists

Organic functioning of the Party

Control plan for downtown Santiago — weak: 150-170 militants

/NORTH/

50 militants + 100 sympathizers

Maipú — Quinta Normal — Barrancas — Renca — Colina

Due to situation of the region, implementation of the plans is difficult

Recoleta Industrial Belt: Important work

Defense command of the industrial belt with the Socialist Party

Support of Renca to harass the Buin Regiment restructured with the Communist Pary

Carrascal Industrial Belt: Party Defense Secretariat (union leader lacking)

Colina-Peldehue: Presence among leaders of the farm workers
Divisive harassment to clear highway

Degree of Instruction: 5 comrades in Cerrillos
10 in Barrancas
7 comrades in Quinta Normal
25 comrades in the farming sector

... Plan
The regional

Maipú Police Station + Chief of Police is Unidad Popular member
Communist Party - Socialist Party - enough instruction

Contact in Cerrillos 12 industries
(5 of them similar to the Group of Personal Friends)

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/ COAST REGION /

Peñaflor — nothing

Talagante — Plan with rest of the Unidad Popular — New coordination relations

\+ control of the city + health

Carabineros O.K. ⟶ date of reg.

El Monte: great influence among farm workers: 200 to 400
Control of the zone (El Paico)
highway
problem: Carabineros

Melipilla: good relations Unidad Popular
CUT — presence
Labor unions with 5 known persons
principal farm worker force
possibility of leaving cultivated zones
military instruction in the labor unions

San Antonio:

Farm workers — Santo Domingo / San Antonio — Cartagena | good military instruction

zone control conditions: food

Industrial Harling — 400 comrades
Rayonhil — 200 comrades

Possibility of highway control — good

Melipilla Road — no problem — good control

Alhué Road — pass to O'Higgins — Colchagua
possibility of change

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El Monte

María Pinto

Melipilla

Alhué
San Pedro → difficult

Santo Domingo — difficult < feed / horses

Good communications system

Great capacity for autonomous actions of the Party
Difficulty — organic capacity
but many can be mobilized

Coast region: capacity for greater autonomy — need for an infra-structure

Fascist

Paine — military instruction — 30 camps
Laguna de Aculeo —500 comrades mobilized

El Principal leads — Toledo link to Southern Region.

Study regional distribution according to the Plan.

Southern Region — La Granja — La Cisterna
Settlers
discriminations — ...

Puente Alto Unidad Popular leaders
Operational groups — Party

Camps in the uptown residential areas — harassment of Fascist rear guard

Barrancas — Quinta Normal — defense of their territory

Pudahuel Airport.

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ANEXO N° 14

Habana, julio 27 de 1973

PRIMER MINISTRO

Querido Salvador:

Con el pretexto de discutir contigo cuestiones referentes a la reunión de países no alineados, Carlos y Piñeiro realizan un viaje a esa. El objetivo real es informarse contigo sobre la situación y ofrecerte como siempre nuestra disposición a cooperar frente a las dificultades y peligros que obstaculizan y amenazan el proceso. La estancia de ellos será muy breve por cuanto tienen aquí muchas obligaciones pendientes y, no sin sacrificio de sus trabajos, decidimos que hicieran el viaje.

Veo que están ahora en la delicada cuestión del diálogo con la D.C. en medio de acontecimientos graves como el brutal asesinato de tu edecán naval y la nueva huelga de los dueños de camiones. Imagino por ello

PRIMER MINISTRO

la gran tensión existente y tus deseos de ganar tiempo, mejorar la correlación de fuerzas para caso de que estalle la lucha y, de ser posible, hallar un cauce que permita seguir adelante el proceso revolucionario sin contienda civil, a la vez que salvar tu responsabilidad histórica por lo que pueda ocurrir. Todos son propósitos loables. Pero en caso de que la otra parte, cuyas intenciones reales no estamos en condiciones de valorar desde aquí, se empeñase en una política pérfida e irresponsable exigiendo un precio imposible de pagar por la Unidad Popular y la Revolución, lo cual es, incluso, bastante probable, no olvides por un segundo la formidable fuerza de la clase obrera chilena y el respaldo enérgico que te ha brindado en todos los momentos difíciles; ella puede, a tu llamado ante la Revolución en peligro, paralizar

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los golpistas, mantener la adhesión de los vacilantes, imponer sus condiciones y decidir de una vez, si es preciso, el destino de Chile. El enemigo debe saber que está apercibida y lista para entrar en acción. Su fuerza y su combatividad pueden inclinar la balanza en la capital a tu favor aun cuando otras circunstancias sean desfavorables.

Tu decisión de defender el proceso con firmeza y con honor hasta el precio de tu propia vida, que todos te saben capaz de cumplir, arrastrarán a tu lado todas las fuerzas capaces de combatir y todos los hombres y mujeres dignos de Chile. Tu valor, tu serenidad y tu audacia en esta hora histórica de tu patria y, sobre todo, tu jefatura firme, resuelta y heroicamente ejercida constituyen la clave

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de la situación.

Hazle saber a Carlos y a Manuel en qué podemos cooperar tus leales amigos cubanos.

Te reitero el cariño y la ilimitada confianza de nuestro pueblo.

Fraternalmente.

Fidel Castro

MANUEL PIÑEIRO

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ANNEX No. 14

Letter from Fidel Castro to Salvador Allende

July 29, 1973

Dear Salvador:

With the pretext of discussing with you matters concerning the meeting of the non-aligned countries, Carlos and Piñeiro are travelling to your country. The real objective is to inform themselves of the situation, with you, and to offer you, as always, our readiness to cooperate with regard to the difficulties and dangers which hinder and threaten the process. Their stay will be very brief because they have many pending obligations here, and we decided that they should make the trip even though their regular duties will suffer.

I see that you are now involved in the delicate matter of dialogue with the D. C. in the midst of serious developments like the brutal assassination of your Naval Aide and the new strike by the truck owners. I can therefore imagine the great tension which exists and your desires to gain time, to improve the correlation of forces in case fighting breaks out and, if possible, to find a path which will make it possible to have the revolutionary process continue forward without civil conflict, at the same time preserving your responsibility before history for what may happen. These are praiseworthy aims. But in case the other side, whose real intentions we are not in a position to evaluate from here, should commit itself to a treacherous and irresponsible policy, demanding a price which it is impossible for Unidad Popular and the Revolution to pay--which is, further, quite probable--do not forget for a second the formidable strength of the Chilean working class and the strong support which it has given you at all difficult times; it can, at your call with the Revolution in danger, paralyze those seeking a coup, maintain the support of the undecided ones, impose its conditions, and decide the future of Chile once and for all, should this be necessary. The enemy should know that the workers are warned and ready to enter into action. Their strength and readiness to fight can incline the balance in the capital in your favor, even though other circumstances may be unfavorable.

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Your decision to defend the process with firmness and with honor even at the cost of your own life, which everyone knows you are capable of complying with, will pull to your side all of the forces capable of fighting and all of the worthy men and women of Chile. Your bravery, your serenity, and your audacity at this historic hour of your country and, above all, your firm leadership, exercised with resolution and heroism, are the key to the situation.

Let Carlos and Manuel know how we, your loyal Cuban friends, can be of assistance.

I reiterate to you the love and the unlimited confidence of our people.

Fraternally,

Fidel Castro

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[Sign] SOLDIER, DO NOT DIE FOR THE MASTERS. LIVE FIGHTING BY THE SIDE OF THE PEOPLE.

SOLDIER, DISOBEY THE OFFICERS WHO ARE INCITING YOU TO MAKE A MILITARY COUP.

[Caption] The Revolutionary Leftist Movement (MIR) started a frontal offensive to undermine discipline in the Armed Forces. Leaflets such as this one and many others were distributed at barrack gates.

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Minero torturado: el pueblo está contigo

- El 7 de agosto, la oficina de relaciones públicas de la Armada dio a conocer que: "se había detectado la gestación de un movimiento subversivo en 2 unidades de la escuadra."

En días posteriores la Armada "aclaró" que se trataba de un movimiento dirigido por "personas de ultraizquierda". Días más tarde se lanza un violento ataque al MIR queriéndolo acusar de pretender quebrar la institución.

¿Pero, qué se ocultó y se ocultaba tras esa información? Al conocerse más antecedentes sobre el hecho quedó en claro los procedimientos y objetivos de esta maniobra.

Las informaciones que entregaron los Altos mandos de la Armada no precisaban el Nº de detenidos, las circunstancias de su detención y los procedimientos legales que se seguirían; al contrario, se quiso ocultar que, las detenciones fueron arbitrarias. Los marinos presos se caracterizan por haberse opuesto a las maniobras de oficiales golpistas que después del fracasado golpe del 29-6, acentuaron más sus arengas golpistas.

Para poder identificar a los marinos que pudieran oponerse a sus oscuros propósitos idearon el siguiente plan: Una madrugada de Agosto hicieron formarse a toda la tropa de Talcahuano y les dijeron que los altos mandos habían decidido "tomar el poder porque el Pdte. Allende era [illegible]"

/Sign/ To the sailor who was tortured: the people are with you

On August 7, the public relations office of the Navy made it known that: "The beginning of a subversive movement had been detected on two ships of the fleet."

Later, the Navy "made it clear" that it was a question of a movement led by "ultra-leftists." A few days later a violent attack on the MIR was launched, accusing it of attempting to overthrow the Navy.

But what is behind this report? When more information became known, the procedures and objectives of this maneuver became clear.

The information given out by the Naval High Command did not specify the number of persons arrested, the circumstances surrounding their arrest and the legal action that will be taken; on the contrary, the High Command wanted to hide the fact that the arrests were arbitrary, that the imprisoned sailors were opposed to the maneuvers of rebel officers who, after the thwarted coup of June 29, stepped up their rebellious harangues.

In order to be able to identify the sailors who might oppose their dark designs, they devised the following plan.

One morning in August they made the Valparaíso crew line up and told them that the High Command had decided "to take over the power because President Allende occupied it illegally."

/Upper photo inset/ THE PEOPLE DEMAND TO KNOW

/Lower photo inset/ IMMEDIATE FREEDOM FOR THE SAILORS....

/Caption/ In order to undermine the morale and unity of the military entities, signs such as this one appeared throughout the country, painted on the walls of houses, buildings, and other places.

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IV. MILITARY ASPECT

A. Introduction

It was the political thought of Karl Marx and V. I. Lenin that gave rise to the doctrine better know as Marxism-Leninism, which considered the great importance of the armed forces of a nation where it was planned to install a communist régime, and in referring to them it pointed out that "they can play a decisive role in a given situation." This led to the daring communist efforts to infiltrate, divide or, when infiltration and/or division did not give the desired results, finally bring the armed forces into disrepute, in the attempt to neutralize or destroy them.

Previously, in Russia, Continental China, Cuba, Czechoslovakia, and more recently in Chile, the offensive against the armed forces and other State powers followed the same general lines.

For Marxism-Leninism the principal instruments of the "bourgeois State" consist of the armed forces, the intelligence services, and the police, for which reason the Chilean Communist Party asserted that "the destruction of the Armed Forces gradually or violently constitutes an inevitable prerequisite to the conquest of absolute power." 7/

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7. International Review. Prague-Santiago, October 1970. Juraj Domic K. "Destruction of the Armed Forces by the Communist Party", Ediciones Portada.

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Marxism-Leninism considers valid any way that facilitates the conquest of power, choosing in each case the one best suited to the circumstances.

When violence is not the most propitious way, the Communist Party and the Marxists in general pay lip service to the law, and pretending to be ardent defenders of the institutions, act out parts in the political play of democracy.

With the inauguration of the Unidad Popular government, the Marxist-Leninists came to political power as the first phase in seizing absolute power, using all the means conferred by such power to carry out the following injunction:

> "The demolition of the military-bureaucratic machinery of the State is the prerequisite to any true popular revolution. One must shatter and destroy the existing State machinery and not merely take possession of it." 8/

> "The destruction of the State bureaucratic machinery and the creation of a new apparatus adapted to the new goals and tasks is an objective necessity, an important law of the triumph of the socialist revolution." 9/

Shortly after the Unidad Popular government came to power the Secretary General of the Chilean Communist Party, Luis Corvalán, said:

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8. Lenin: Complete Works. Editorial Cartago, Buenos Aires, 1959.
9. N. G. Alexandrov.

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"The people have conquered the government, which is a part of the political power. We must make this conquest secure and advance still further, until we succeed in getting all the political power, the entire State apparatus into the people's hands." 10/

In the April 1971 issue of Principios, the official organ of the Central Committee of the Chilean Communist Party, the young theoretician Jorge Insunza reiterated:

"the obligation to destroy the apparatus of bourgeois coercion which defines the present State."

In September 1971, Boris Ponomariov, a member of the Central Committee of the Communist Party of the Soviet Union, pointed out that:

"the advance of the Communist Party in Chile is based on the application of the Marxist-Leninist doctrine to the State." 11/

These ideas were echoed in Chile by Sergio Ramos, member of the Technical Committee of the Chilean Communist Party and Political Advisor of President Allende, in a paper published in March 1972, in which he stated:

"It is obvious that, with due consideration of all the special circumstances, the transition to socialism in Chile must necessarily come about (and be instituted) through the dictatorship of the proletariat, regardless of the form it may assume. This means that the Leninist thesis of the need

10. Plenum of the Communist Party, November 27, 1970. El Siglo, organ of the Communist Party.
11. Speech given at the scientific conference "The XXIV Congress of the CPSU and of the Development of the Marxist-Leninist Theory." Social Sciences, publications of the USSR Academy of Sciences, No. 2, 1972.

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> to destroy the bourgeois State apparatus in order to create a new one, that is, radically to change the class system of domination, is just as valid in Chile today as it was in Russia in 1917 for building a socialist society.
>
> "The conquest of political power is achieved necessarily through the destruction of the standing army and the police, as instruments of repression in the service of the bourgeoisie and against the proletariat, since the use of violence by the bourgeoisie is based on the use of force that they imply." (Sergio Ramos. "Chile: An economy of Transition?", Editora CESO-PLA, Santiago, Chile, 1972.)

The Conquest of what the Unidad Popular called "popular power" was the instrument for the destruction of the Armed Forces and the Police, either by so-called peaceful or non-armed means or ultimately by violence or force of arms, in which connection the Communist Party pointed out at the beginning of 1971:

> "As for the organs of coercion of the bourgeois State, one must take into account, above all, the degree of belligerency that they may or may not adopt in relation to the measures proposed, in order to bring about a change in the character of the masses." (Principios, No. 138, page 21).

Boris Ponomariov, member of the Central Committee of the Communist Party of the Soviet Union, let the Russian hierarchy and the whole world know about the satisfactory assimilation of communist teaching by the Chilean Marxists-Leninists, when he stated: "The Chilean Marxists are tending toward a change, which is more or less

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gradual, of the class structure of the organs of State power, reconstructing it by states." 12/

The Communist Party followed faithfully the path laid out by Lenin, who advised that "when there is no civil war and there is a favorable international situation, one should proceed with 'more forebearance, more care, more condescension' 'making possible' and necessary a slower, more cautious, and more systematic transition to socialism." 13/

That is why the Chilean Communist Party followed the methods of: 1. Infiltration; 2. Division; 3. Elimination of the top-ranking officers; and 4. Neutralization of the Armed Forces and Police, all of them directed primarily by the Executive power.

Luis Corvalán in 1962 asserted that "the peaceful path implies a non-peaceful, armed alternative and, consequently, it is mandatory to prepare oneself for any other eventuality."

In 1970 the same Corvalán emphasized that "the people may find itself committed to some type of armed confrontation," repeating a little later: "it is well within the realm of possibility that, in the future, the people will find itself committed to some kind of armed confrontation." (El Siglo, November 27, 1970).

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12. Ibid., page 11.
13. Lenin. Complete Works, 4th Russian edition, Vol. XXXII.

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It should be pointed out that in an armed confrontation the Armed Forces would be the first adversary of the Communist Party.

For those who are familiar with the way Marxists-Leninists operate these changes of concepts are not surprising, for at bottom these apparent variations merely obey the following principles of strategy: 1. To pretend to be convinced pacifists, respectful of the legal system, while surreptitiously carrying on the work of indoctrinating the masses and infiltrating the institutions; and 2. To demonstrate their superiority and to be capable of anything, even to the extent of sacrificing themselves on the altar of the "welfare of the people" if necessary.

In February 1969, in a televised interview, Corvalán in reply to the question of what military preparation did the Communist Party have, said the following:

> "You ask me whether the Communist Party is preparing itself militarily or not. Forgive me, but I cannot answer that question. There are two questions: The Communist Party may be prepared or not prepared, may be preparing itself or not. I am not saying that we may have been prepared or may have been preparing ourselves, I don't want to say that we are doing so, nor am I saying that we are not doing so. But, do you think I should answer this question?"

Corvalán's reply seems confusing but it isn't really. It is clear from his reply that the Chilean Communist Party was indeed preparing itself militarily and needed three elements for the purpose: increased militancy of the Party; military training; and accumulation of weapons

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and other military equipment. The last two were proven after the over-throw of the Unidad Popular régime.

B. Infiltration of the Armed Forces and the Carabineros

One of the most important activities--for the Marxists-Leninists--and which requires greater patience, planning and tenacity, is the infiltration of the Armed Forces.

In the beginning of 1971 certain norms published in the official organ of the international communist movement were widely circulated among the activists of the Chilean Communist Party. In them it was said that "the international, class position of the communist parties can acquire true importance only if they extend their influence to the non-proletarian sectors of society, among which much consideration should be given to the components of the Armed Forces." In addition it was pointed out that the ability of the communist parties in their role as leaders of the revolution is put to the test "also in the task of winning adepts and allies among such a disciplined group as the members of the Armed Forces."

The Marxist-Leninist texts advocate the following activities:

(1) Agitation and propaganda within the Armed Forces, primarily through the press, which is a "powerful instrument of ideological influence in the army." 14/

14. International Review, October 1969 and October 1970.

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(2) The creation of a "revolutionary alliance" between the Communist Party and the military, "a condition essential to the advancement of the revolution." 15/

(3) Creation of "military organizations of the Party" constituted in "support points in the army and the navy." 16/

(4) The Communist Party engages in an open conspiracy when it states that "it is essential to come to a direct agreement with the democratic revolutionary elements organized within the Armed Forces." 17/

In accordance with the above-mentioned points, Carlos Altamirano, the leader of the Socialist Party, President Allende and Oscar Guillermo Garretón, leader of the Unitary Popular Action Movement (MAPU) infiltrated the Navy in an attempt to subvert it.

The press was used to a great extent in attracting members of the Armed Forces and Carabineros, specifically in connexion with point (1) on page 247 /p. 258 of Spanish text/.

In general, the infiltration of the Armed Forces and of the Carabineros did not have the effects desired by the Marxists-Leninists, as

15. Ibid.
16. Ibid.
17. International Review, October 1970.

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demonstrated by the fact that on September 11, 1973 no military unit obeyed the calls of the leaders and activists of the Unidad Popular, just as they were unable in general to infiltrate agents into the contingents called up for military service.

The efforts to divide the Armed Forces achieved no result worthy of mention. 18/

The elimination of the top-ranking officers and neutralization of the Armed Forces did not come to pass for two basic reasons: first, the failure to infiltrate and divide the military units and entities into factions meant that the military entities--Army, Navy, Air Force, and Carabineros--acted as a whole; and second, because the armed confrontation between the Unidad Popular paramilitary forces and the constitutional Armed Forces did not take place.

It is important to stress the similarity, in general, insofar as Marxist procedures are concerned, between the case of Indonesia (1965) and Czechoslovakia (1945-1948) and the Chilean experience (1970-1973) with a notable difference in end results. In Czechoslovakia, the Marxist movement triumphed because of the neutralization of the Armed Forces. In Indonesia the Marxists achieved a superficial

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18. Subsequently, it was determined that some members of the Armed Forces were won over individually, but they were not able to engage in any activities within the military entities because of the events of September 11, 1973.

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infiltration of the Armed Forces, which to a certain degree facilitated the assassination of some high military leaders, but they finally failed to seize power. And, lastly, in Chile, as we said before, it led to the defeat of the Marxists in all respects.

Some experts in Marxist-Leninist tactics consider that the Communist Party and the other members of the Unidad Popular did not attempt a division between the branches of the Armed Forces and Carabineros nor between superiors and subordinates but rather attempted a vertical division in accordance with the class theories, between the "progressive" and "reactionary" military.

We disagree with those who think along those lines because Marxists pursue division in every direction--between superiors and subordinates; between "progressives" and "reactionaries"; between military entities and between the units and services of the same military branch--thereby applying the principle of "divide and conquer."

Furthermore, we believe that the division between the "progressive" and the "reactionary" military was planned both in a vertical and horizontal direction.

The assertion that there was a high degree of infiltration and division in the Chilean Armed Forces, which was made in 1971 in international communist movement circles when they pointed out that

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"the patriotic sector of the Chilean military not only respects the election results but also tends toward supporting the revolutionary process begun in the country" and "the democratic-revolutionary sentiments that have been aroused and intensified among the military, including the officers, can accelerate the course of the revolutionary development" turned out to be devoid of substance.

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"Historic example"

Politicians in the Chamber of Deputies. Blows and slaps in the face instead of ideas, arguments, and civility.

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V. LEGAL ASPECTS

On September 7, 1973, a committee of Chilean professors of Constitutional Law submitted to the National Congress of Chile, through the Bar Association, a Report resulting from an exhaustive study of the implementation of an exclusive power of the Congress, contained in Article 43, paragraph 4, of the Political Constitution of the Chilean State, which reads as follows:

> "4. To declare, when there may be occasion for doubts, whether the disability that debars the President from the exercise of his functions is of such a nature that a new election should be held."

The study had been decided upon because the Unidad Popular government, presided over by Dr. Salvador Allende, had systematically violated the Constitution of the Republic, from the very first days of its accession to power; likewise, the study was part of the attempt to find a solution for resolving the critical general situation in which Chile found itself after nearly three years of Allende government rule, precisely because of its illegal action. At the bottom of this legalistic effort to get the country out of the difficulties in which it was mired lay the old principle of the Forum judicium: "Ye shall

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Foreign extremist leaders directed the acts of violence. In this photograph the arrows point at a Cuban with a beard who is giving orders to construction workers in one of the many acts of vandalism committed by Unidad Popular members.

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be King if Ye do right, and if Ye do not do right Ye shall not be King," which summarized the essential condition on which the community permits the ruler to exercise his authority over that community, for the common good.

As a result of the presidential elections of 1970, the Congress, in accordance with the Constitution, elected the future Chilean President; before and during the process of election by the Congress there were political pressure groups governed, according to one highly placed political figure, more by personal interest than by Chile's future; these pressure groups hailed Mr. Allende as the only candidate to have the right to be elected on the basis of a relative majority won in the elections; these same pressure groups obstructed and even hindered a Constitutional reform intended to legalize a "second ballot" to decide which of two candidates, who had each obtained a relative majority of the votes, had won an absolute majority, in order to determine the true preference of the people.

In view of the situation, the majority of the members of Congress, whose ideology differed from that of Mr. Allende, resolved to reform the Constitution in the form of a Statute of Guarantees, with which it was hoped to prevent violations of the Constitution by any future ruler who professed to be a Marxist-Leninist. Previously we saw how Mr. Allende signed and swore to uphold that Statute, as a tactic to obtain power.

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Brigades of the Revolutionary Leftist Movement march "on a war footing" through the streets of Santiago, in defiance of the Security Forces and Institutions.

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The first violation of the Chilean Constitution was commited by the members of the Unidad Popular, before Mr. Allende assumed the Presidency. Indeed, the dissidents of the Socialist Party, in connection with Allende's candidacy, succeeded in obtaining a political agreement whereby, if Allende were to win the Presidency, "he would not govern alone, but together and on the same level--not one step higher--with a Political Committee composed of the leaders of the parties constituting the Unidad Popular." This may have been in violation of the provision in Article 60 of the Constitution, which states:

> "60. A citizen with the title President of the Republic of Chile administers the State and is the Supreme Chief of the Nation."

There were other violations of the Constitution and the law of Chile in various sectors of the administration and in different forms:

a. Through the creation of bodies parallel to those already in existence, for the purpose of facilitating the conduct of operations intended to promote the so-called "process of socialization" while at the same time isolating the legitimate officials or employees of the State from the illegal methods used in the development of the said "process."

b. Election fraud (See Annex No. 15).

c. Illegal introduction of weapons, under cover of governmental

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The Revolutionary Leftist Movement, one of the most organized extremist groups, participates in one of the many demonstrations of strength of such groups. Note the organization of the group and the poles used as lances.

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authority, intended for the private homes of Unidad Popular leaders, including that of the President himself.

d. Amnesty, of sectarian nature, for the purpose of freeing criminals who were Unidad Popular partisans.

e. Direction and protection of usurpers of property and industries.

f. Expropriation of farms of lesser size than those designated by the law as being in accordance with the agrarian reform.

g. Organization of "communal commandos" for the purpose of promoting the "class struggle."

h. Establishment of guerrilla camps, in the guise of schools for the training of nationals and aliens.

i. Organization of paramilitary units, Groups of Personal Friends (GAP), in violation of the Statute of Guarantees.

j. Usurpation by the Executive of the exclusive power of the Congress, by laying down administrative standards which, because of their contents, should have been the subject of laws since, according to the government's argument, those standards were intended for the creation of the "social sector" as part of the new structure of the Chilean State.

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k. Embezzlement by members of the Unidad Popular.

l. Protection for Unidad Popular perpetrators of politically inspired assaults.

The sectarian amnesties began immediately after Allende became President. He pardoned eight MIR leaders, judged and found guilty of acts of violence, among which were bank robberies, while President Frei was in office. To benefit from this type of action by the Unidad Popular government no other reason was required than that of following the same political line as professed by the governing coalition.

As time went on, the Allende government more or less protected, although indirectly, the acts of violence committed by MIR members and other leftist extremists, against the so-called "outsiders" or all such persons who, in some way or other, disagreed with the Allende administration and its "process of socialization." Protection of the extremists took the form of withdrawing the agents of authority so that the extremists could act freely.

The take-over and spoliation of businesses and industries was under official direction; such was the case of Pedro Vuskovic who, upon being dismissed from office in the Ministry of the Economy by a resolution of Congress, because of his violations of the Constitution

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and the laws, was transferred by Mr. Allende, in defiance of the Congressional decision, to the Chilean Development Corporation (CORFO), precisely to plan and direct the so-called "take-overs" of private businesses.

This was the area in which the Allende government in its turn usurped the powers of Congress, by issuing administrative regulations which should have been laws inasmuch as they were intended to change the property system established by the Constitution. It was attempted to create the so-called "social sector", a typical Marxist-Leninist slogan, which concealed the policy of dictatorial and enslaving absolute ownership of property by the Socialist State. There is no doubt that this was the ultimate objective of the Unidad Popular régime, insofar as the ownership of businesses was concerned, but in Chile, while all the obstacles to the establishment of the Socialist Party were being overcome, the businesses which were taken over were the subject of a "quota" among the parties of the Unidad Popular, among which obviously the Communist and Socialist parties were the most favored in quality and quantity, with fewer businesses going to the MAPU, Radical and Christian Left parties.

The powers of usurpation or "take-over" included the application of a 1932 decree-law on "legal loopholes" discovered by Eduardo Novoa, which permitted requisitioning an enterprise whose essential consumer product was in seriously short supply, for the purpose of restoring

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normal production. When such reasons did not exist during the Unidad Popular administration, a strike was provoked for the purpose of appointing a supervisor whose task would be to "bankrupt the enterprise"; once the financial insolvency of the enterprise was achieved, or else on another suitable pretext, the government decreed the take-over. The process had two weaknesses which the government overcame by its action outside the law or by misuse of the law. The first weakness was the possibility that the owner of the enterprise would bring suit before the appropriate court to obtain a judicial nullification of the take-over and restitution of the enterprise to its legitimate owner, which required the assistance of the police to oust the usurpers. In such case, the government simply did not give such assistance, by arrogating to itself the right to decide whether the judicial nullification was appropriate or not and usually deciding that the nullification was not appropriate because it "opposed the revolutionary process through which the country was going"; at the same time, the requisition decree had to be screened, according to the law, by the Office of the Comptroller General which, in addition to acting as comptroller of the national Treasury, passed upon the constitutionality of Executive decrees (Supreme Decrees) and the legality of administrative decisions. Considering the requisition decrees of the Executive to be actually decrees of nationalization, the Office of the Comptroller General always declared them unconstitutional. The government would then take advantage of another "legal

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loophole", by means of the "insistence" decrees authorized by the law in exceptional cases, their effect being that despite their unconstitutionality, upon being presented once again with the signature of the President and his Ministers, the provisions they contained had legal force in view of the exceptional circumstance that had given rise to them.

The consequences of the situation described above were manifest in all sectors of Chilean civil life and reached a state of affairs summed up by Chilean jurists as a complete breakdown of the legal structure in Chile. An extremely grave conflict arose concerning the scope of the relations and powers of the three branches of government.

The reader can judge for himself and arrive at judicious conclusions by reading the documents that were passed among the three branches of government and among the Executive bodies, the Office of the Comptroller General, and the Bar Association, which documents appear below under Annex No. 16.

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ANNEX No. 15

REPORT OF THE COMMISSION INVESTIGATING ELECTORAL FRAUD, DESIGNATED BY THE LAW SCHOOL OF THE PONTIFICAL CATHOLIC UNIVERSITY OF CHILE JULY 1973

We complete today the publication of the investigation carried out by the Law School of the Catholic University, under the direction of its Dean, Jaime del Valle. The commission was composed of Professors Gustavo Cuevas Farren, Head of the Department of Political Law; Guillermo Bruna Contreras, Professor of Constitutional Law; and Hernán Larraín Fernández, Master of Political Law of the University of London and Professor of that same specialty.

In the first part, made public yesterday, the investigators presented the background facts which gave rise to concern regarding a possible fraud in the election of last March.

They explained that the first background element was derived from the Projection of the Opinion Trends. Unidad Popular had shown decreases in its votes in the July 1971 elections for a Representative for Valparaiso obtaining 49 percent under circumstances in which they had achieved 50 percent in the general elections for Councilmen. In January 1972, elections were held for a Senator for O'Higgins and Colchagua, and for a Representative for Linares. In these elections, the UP vote decreased by 2.6 percent in relation to April 1971 (Councilmen) since, making the same projection onto the national level, their candidates received 47.4 percent of the valid votes. Then, in July 1972, there was the election of a Representative for Coquimbo, in which, although Unidad Popular won, the projection of the results onto the national level gave them 41.9 percent, with a loss for the Government equivalent to 8.1 percent of its maximum support, which it had obtained in the election of Councilmen in April 1971. According to the investigators, this projection led to the conclusion that Unidad Popular would receive a maximum of only 35 percent in the parliamentary elections of 1973.

The other background element concerned the effect of inflation on the behavior of the electorate, indicating that the greater the increase in the cost of living, the more voters the Government loses.

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Finally, there were the results obtained in surveys made prior to the election, which showed Unidad Popular obtaining a vote clearly lower than that which it achieved.

All of these background facts led the investigators to direct their studies towards the area of the newly registered voters. The results at the polling places for new voters were radically different from those at the older polls. The investigations showed that there "had been a massive change in the verdict of the people. On the basis of data checked thus far, the number of votes which seem not to correspond to a legitimate statement by citizens with the right to vote is more than 200,000 votes, representing at least 5 percent of the total number of voters.

The final part of the investigation is the following:

IV. ANALYSIS OF THE RESULTS; DETECTION AND VERIFICATION OF POSSIBLE FRAUDS.

1. The Newly Registered Voters

a. Significance

From the beginning, the investigation was centered on the electoral behavior observed at the new polling places as compared with the old ones.

From this examination a basic conclusion of this work follows explicitly. A comparison of the results obtained at the polling places used up to 1970,with those established subsequently reveals that while at the former CIDE received 62 percent of the votes and UP 38 percent, at the latter there was practically a tie between the Government and the opposition. Consequently, it can be stated that the result which gave the Government 43.7 percent of the total for the country, is due basically to the significance of the new registrants in that total.

This conclusion seems open to question for a variety of reasons. It could be held that, because this involved young people or illiterates, the prevailing views of those sectors would have to differ from those of the older voters. But as regards young people, it has been amply demonstrated throughout the country that the trends of their opinions are similar to those of their surroundings and do not differ from those of their elders within the respective social stratum. The results in student and university elections make it possible to demonstrate that this is so, and, furthermore, that during the past two and a half years

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the trend has been clearly contrary to the interests of UP and progressively favorable to those of the opposition.

As regards the illiterates, their number, as we shall see, does not allow them to have an electoral effect of a sort which would change the results from 62 - 38 to 50 - 50, in the manner to which we referred.

In addition, with regard to the new registrants, there were various inexplicable and abnormal situations, among which we could mention some which merit special attention:

a. Approximately one-half of the persons included in the new polling places, who voted for the first time after November 7, 1970 (the date of the law which authorized voting by persons 18 years of age or over and by illiterates), were over 21 years of age. That is, these new registrants could have registered before, but they did not do so.

b. Between November 7, 1970 (the date on which registrations were expanded), and the month of July 1972, the total electorate changed only slightly. In contrast, there was a sudden increase between September 1972 and November 3 of the same year, the date on which registrations were closed for the parliamentary election.

c. There were polling places which finished their activities in a single day, and at which, because of hurry or for other reasons, the second names of the registrants and their professions were not even entered.

But these situations, although irregular and undoubtedly lending themselves to fraudulent activities, are not in themselves proof of the existence of fraud.

d. How many new registrants were there and how many should there have been?

In round numbers, 4,510,000 persons had the right to vote in March, 1973; in April, 1971, 3,760,000 had this right. That is, there was an increase of approximately 750,000 electors between one date and the other.

Now, if we calculate that the mortality of the electorate, as determined from official statistics, is close to 1.5 percent per year, we should conclude that in round numbers 120,000 persons of those who were registered in 1971 died between 1971 and 1972 and should have been deleted from the registers.

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This however, took place only partically; that is, only 70,000 deceased were in fact deleted from the Electoral Registers.

In addition, around 60,000 registrations were cancelled because of transfer, transfers which have nothing to do with those fictitious transfers which served as the basis for a similar number of registrations which were made during the last stages of the time limit without the former registrations being cancelled.

Adding the cancellations because of death and those caused by real transfers, the figure of 130,000 electors removed from the registers in force in November, 1970, is reached.

The foregoing coincides with the information provided by the Office of Electoral Registration, in the sense that between November 7, 1970, and November 3, 1972, 880,000 citizens registered. This is equivalent to 820,000 new registrants, if the 60,000 effective transfers mentioned above are subtracted. This new electoral group was what caused a fundamental shift in the March election.

Now then, how many of these new registrants should there have been? According to information prepared by the National Institute of Statistics, we can state that, on the basis of population estimates for 1970, the following acquired the right to register:

1) Persons who were between 18 and 21 years of age. According to official projections from the census of 1960, as of last year around 720,000 persons, including men and women, reached the ages included between those limits.

2) Illiterates. The foregoing figure includes the illiterates of those ages (18 to 21 years), which are 80,000 in round numbers. The Office of Electoral Registration has reported that a total of 120,000 illiterates were registered, so that, subtracting the 45,000 who correspond to the detected proportion of registered illiterate minors, there remain 75,000 illiterates over 21 years of age who registered after November 7, 1970.

There is no exact data to show accurately what proportion of young people between 18 and 21 did in fact register. Nevertheless, in the light of behavior noted in the past as regards the obligation to register to vote, it can be presumed that between November 1970 and November 1972, no more than two-thirds of the inhabitants able to do so complied with that obligation.

Even this figure may seem exaggerated, because it supposes that at least one-half of the women (less constrained to comply with requirements which call for voter registration) did register. Since the population from 18 to 21 years, calculated at 720,000 persons as

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we saw, divides almost exactly equally between men and women, there would have been 180,000 persons of the female sex, out of a total of 360,000, who would have registered.

And we have supposed that, because of the need to have evidence of their voter registration, a higher proportion, 2 out of 3 men between those ages, did register. That is, 240,000 out of a possible 360,000.

Adding the 180,000 women to the 240,000 men who are new registrants between the ages of 18 and 21, and including the illiterates of those ages, we would have a total of 420,000 new registrants from this source, and 495,000 if we add the illiterates over 21, who, on the basis of data provided by the Office of Electoral Registration, numbered 75,000, according to figures which we have already analyzed. This figure, which represents 56 percent of the new registrants, is still larger than that in the samples taken from all of the polling places analyzed by us thus far. One should also add the delayed registration of literate adults over 21, estimated at 75,000 persons, leading to the conclusion that the total of new registrants cannot reasonably exceed 570,000 persons.

Any other figure exceeds any reasonable calculation. We believe it is almost impossible to think that more than 570,000 persons were able in fact swell the registers between November, 1970, and November, 1972.

Yet, nevertheless, we have seen earlier that there were no less than 820,000 persons listed as new registrants, after removal of all transfers and detectable double registrations. There is, therefore, evidence that there is no reasonable explanation for the participation of at least 250,000 persons in the (electoral) act of March 4, 1973.

2. Detecting Where and How the Fraud Might be Accomplished

a. Faced with an inexplicable situation, on the basis of which there can be seen such evident benefit for a political sector.

Analyzing this picture from the point of view of the need to program a fraud which would lead to optimum results for the persons interested in committing it, one would have to start from the basis that it was practically impossible, for the moment, to repeat alternative A, corresponding to the election of Councilmen. Consequently, the hopes of Unidad Popular should have been directed towards the possibilities offered by alternatives B, C, and D.

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According to our analysis, it became evident to the programmers of the fraud that in the Tenth Senatorial District, the distribution of elected senators was not going to be changed whether the alternative were B, C, or D. If Unidad Popular were to obtain 43 and a fraction percent of the votes throughout the country, the maximum to which it could hope even twisting the will of the electorate, or if it were to obtain less than 35 percent of the national vote, in either case CODE would always obtain three senators and Unidad Popular two in that Tenth District (Chiloe, Aysen and Magallanes).

It was therefore not worthwhile to worry about that Tenth District. Curiously, the new registrants there represented 18 percent of the increase, quite a bit lower than the national average of 23 percent in round numbers.

In contrast, in the Second District, if Unidad Popular were to go below Alternative B (which presupposed 43 percent nationwide) it would lose a senator, and CODE would come to have 3 against 2 of UP. It was essential to obtain the equivalent of 43 percent of the vote there.

Also symptomatically, in Atacama and in Coquimbo there was an increase in the electorate of 28 percent, much higher than the national average.

I. INTRODUCTION

In a democracy, the principal authorities of the State are elected by popular vote. This latter, has, therefore, the decisive role in determining the destiny of the Republic. If in any way there is an alteration of the effective voice of the mass of citizens in the elections to which it is called, the very basis for democratic survival is destroyed.

As can be appreciated from the account which follows, there is evidence to affirm that in our country there has been a large-scale and decisive electoral fraud, committed on the occasion of the recent parliamentary elections—a fraud whose characteristics make one think that it is even probable that this may not have been the first time it has been committed.

Concretely, the information gathered thus far makes it possible to point out that there has been a massive shift in the verdict of the people. On the basis of data checked thus far, the number of votes which seem not to represent a legitimate statement by citizens with the right to vote is more than 200,000 votes, representing at least 5 percent of all voters.

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II. PRIOR DEVELOPMENTS WHICH PRODUCED UNREST

The elections of last March 4 brought forth what persons familiar with the behavior of the citizenry and with electoral studies considered an unexpected result, for objective reasons which can be summarized in the following points:

1) Simple projection of opinion trends: The Government of President Allende, elected with something more than 36 percent of the popular vote in September, 1970, was able to broaden its electoral base to achieve 50 percent of the votes cast in the April 1971 elections for Councilmen, discounting blank and cancelled ballots and adding to the contingent of the parties of Unidad Popular the vote (a little more than 1 percent of the votes) of the Unión Socialista Popular (Popular Socialist Union) party, which supported the Government.

In July 1971 there was a special election in Valparaiso for a Congressman, in which the contestants were a Government candidate, Mr. Hernán del Canto and one from the opposition, Dr. Oscar Marín. Projecting the results of this election onto the national level, it showed a decrease of 1 percent in the electoral strength of the leftist parties, which obtained 49 percent of the vote, in round figures.

The projection of provincial results onto the national level is valid in view of the fact that, as has been proved many times, they demonstrate trends which are generalized throughout the country. Subsequent information will make it possible to confirm this assertion.

Later, in January 1972, special elections were held for a Senator and a Congressman in three provinces: O'Higgins, Colchagua, and Linares; the results of these elections, also projected onto the national level, showed Unidad Popular with a loss of 2.6 percent from its electoral strength of April 1971, since its candidates obtained 47.4 percent of the validity cast votes, if we make the same projection onto the national level.

Then, in July 1972 there was a special election for a Congressman from the province of Coquimbo. In this election, even though the Government candidate won, projecting the result onto the national level gives Unidad Popular 41.9 percent of the vote, with a loss for the Government equivalent to 8.1 percent of its maximum support, which it had obtained in the election of Councilmen in April 1971.

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Mathematically, without considering political or economic factors, as of March 1973 the conclusion was that Unidad Popular should obtain no more than 35 percent of the votes. In contrast, it obtained 43.7 percent, discounting blank and cancelled ballots, and including in its contingent the Unión Socialista Popular, as has been done for the purpose of the projections under reference.

The simple examination of this trend, aside from other considerations, makes it possible to affirm that the results in March were, then, unexpectedly favorable to the Government (See table 1, Chapter VIII, of the Annex).

2) Inflation and the behavior of the electorate.

Consulting Engineer Santiago Morán García, a specialist in these subjects and advised by other specialists, drew up a study on the significance of inflation, which was published in a prestigious weekly magazine of this capital, prior to the election of last March.

This article shows that in Chile during three administrations and until July 1972 the share of votes favorable to the Government had maintained a close relationship with the monetary stability achieved by that Government. When the Administration has been able to keep inflation below 12 percent annually, it has increased its base of civic support. When inflation has oscillated between 12 and 20 percent per year, the Government has been able, in general terms, to maintain its strength. But what is unvarying and constant is that for over twenty years any inflationary increase greater than twenty percent annual rate has led to a proportional deterioration of the electoral positions of the Government.

This theory was fully confirmed and did not vary until July 1972. The pertinent curves always showed the relationship described. And there was a precise coincidence between the deterioration of Unidad Popular's position in the special election in Coquimbo, projected onto the national level, and the renewed inflationary breakout of that time. On this basis the fact that since January of that same year its nationally projected vote decreased from 47.4 percent to 41.9 percent can be explained.

This same theory pointed out that, if the electoral and the inflationary curves were to maintain this same relationship, Unidad Popular would not be able to get more than 30 percent of the popular vote in last March. Let us recall that from July 1972 until January 1973 the general level of prices doubled; and that between the date of the readjustment

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granted in October until the date of the election, there was an increase in the cost of living of around 60 percent.

Nevertheless, on March 4 Unidad Popular obtained 43.7 percent of the legally cast votes, including Unión Socialista Popular.

From this point of view, even though the validity of this type of projection may not have the universality of a mathematical formula, this information also contributed to the arousing of suspicions regarding the correctness of the referred electoral result.

3) Surveys carried out prior to the electoral act. A great many publicly known surveys were carried out prior to March 4, in which, in general, Unidad Popular was given a percentage clearly lower than that which it obtained.

This information was accepted by all sectors as representing the reality with which they were all familiar in their day-to-day life, and the President of the Republic, himself, with better information than the rest of the Chileans, said that he would be satisfied with 36 percent of the vote, and that he thought 38 or 40 percent would be the maximum.

The result of these elections, in addition to surprising the President, himself, surprised the observers and the public in general, who did not expect a result of this sort. This was so true that those who obtained the greater vote, that is, the opposing sectors, considered as discouraging the results which gave them around 57 percent of the electorate, while the Government considered its 43 percent of the votes to be a success, which, can be classed as paradoxical, to say the least.

III. METHODOLOGY

The proposed task is of such magnitude that it is very difficult to determine, a priori, the path which an empirical investigation of the facts should follow. Hence it was through superficial soundings and, in more than a few cases guided more by intuition than by any rationale, that the problems to be investigated were determined, depending on the significance which a given factor might have on the results in question. From this came the choice of the field of new registrants which, given its size, could be the guiding line for the rest of the investigation of possible fraud. Upon verifying that in all of the districts checked the results obtained at the new polling places at which the new registrants voted were so radically different from the results at the older polling places, the definitive decision was taken: the investigation would have

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as its aim to analyze those registrations, seeking to establish some correlations between a potential fraud and the polling places for the new registrants. The manner in which this could be carried out and its factual verification would be determined by selecting some places where, as a sample, it would be possible to extrapolate some conclusions with the smallest possible margin for error.

We are making public the initial results of the investigation, which is still in process, because of the significance of the initial conclusions which have appeared, with the conviction that they are supported by trustworthy information which can be verified by anyone who wishes, as such information is public and available to any interested person. This report is nothing more than the orderly arranging of that information in order to establish whether in the last elections held in this country an electoral fraud was or was not committed, its magnitude, its origins, its methods, and its beneficiaries.

If the results of the presidential election of Unidad Popular were to be repeated in the Fourth District , province of Santiago, that party would retain two senators. But if its vote were to be decreased by 1.5 percent, this would be sufficient to have the ratio shift to 4-1 in favor of CODE.

Also inexplicably, the number of new registrants in Santiago was over 300,000, whereas the expectation was for scarcely half of this number in the best of cases. This is due to the fact that this province has a relatively low rate of illiteracy, as there are very few delayed registrants over 21 years of age because here electoral registration is an indispensable requirement for the greater part of the activities which are carried on.

Then in the Sixth District, Curico, Talca, Linares, and Maule, we also find a 33 percent increase in registrations, much greater than the 23 percent national average.

According to the table reproduced earlier, we see that alternative D (in which the opposition obtained two-thirds of the Senate), the limiting point between the ratio of 3 to 2 and that of 4 to 1, favorable to CODE, could be given by the Sixth District. A small decrease in the votes for UP would mean the loss of a Senator for them.

And in the Eighth District, another in which it was necessary to commit fraud in order not to lose the one-third of the Senate, we also find this same symptomatic jump above the national increase in registrants. Here it approaches 37 percent, compared with the 23 percent average.

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In summary, it is clear that, if it were a question of seeking to bring about some alteration of the results, it would be useful to do so in the second, fourth, sixth, and eighth districts, but not in the tenth. Should this coincide with the facts, one can only conclude that an electoral fraud on a large scale did occur.

Further, accepting the existence of a fraud, it is necessary to verify just how and where it was carried out; and, if possible, can this be demonstrated by objective evidence. It is necessary to detect the existence of deceit on the basis of ratiocination and concrete proofs.

b) Analysis of probabilities in order to determine where fraud was carried out, as applied to the case of the Senatorial Districts.

Consulting Engineer Santiago Morán and his working team had drawn up the evidence that the new registrants, who were the ones who broke the line of the politico-electoral logic in March, were unexpectedly numerous in the first four districts and were much below the average of the country in the tenth, as well as in the majority of the provinces which were not electing Senators.

c) A practical way to accomplish a fraud.

The simplest way to increase the results in specific areas fraudulently is to have the same person register in different neighborhoods and thus vote various times.

In this regard, our electoral laws provide all sort of possibilities for multiple registration. Among the most common we can mention the following:

a) Presenting a falsified identification card; there are many examples of this. In searches carried out recently by the Armed Forces looking for illegal arms, there have been reports that many presumably falsified identification cards were turned up; this is easy to do if one has the necessary blank form. The public is well aware of the theft of thousands of such forms from the Community Offices of the Civil Registry, as was reported at the time by the press.

b) Submitting a stub showing that one is in the process of obtaining an identification card. This falsification is obviously much easier to carry out than the other, as it involves a simple document which is easy to falsify on a very large scale. The many cases of identity cards listed in the electoral register bearing numbers higher than the maximum reached at the Civil Registry may well belong to this type of crude

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falsification. As an example of this we can cite the cases of Mr. Jorge Pedro Gamboa Lizana, 36 years old, registered in section 374 of San Miguel, with identity card 9,601,147 and Mr. Miguel Herminio Brunet Rodríguez, 18 years old, registered in the same section with identity card 8,619,817, which numbers are far higher than those reached thus far in the Civil Registry.

c) Obtaining permission from a complacent official inspector to register without either of those documents, presenting only other evidence including the statements of two witnesses. This made possible the massive registration of voters in innumerable communities.

d) Using the same identity card to make multiple registrations, but with spelling or pronouncing errors which are convincing to the polling place officials on election day, but which cannot be picked up by the computer. An example which has been proved: Registration with the last name Hernández and identity card with the name Fernández. Another common case during registration is to add another name to the name in the Civil Registry; this also makes detection difficult.

It is of course true that multiple registration is just one of the many frauds which have been made possible thanks to gaps in our legislation. We will look into this in detail in Chapter VI.

V. SOME ILLUSTRATIVE CASES

We have thus far seen how, based on certain data and through pure reasoning, it has been possible to conclude that there was a fraud of these proportions in the last electoral process, stemming from the new registrations, and which, submitted to concrete tests, has been verified to an important degree. Thus, we have seen how and where it was possible to accomplish this fraud, demonstrating with facts that our tentative hypothesis was correct.

But we consider it timely to make known the initial results of the investigations we carried out by analysing data from the new polling places, where the proven irregularities are beyond imagining and constitute the real evidence that the fraud apparent among the new registrants was in fact committed. We are making these results known despite the fact that the data is not complete; nevertheless, at the present stage of our work we can already take a position on the existence of fraud and its probable magnitude, despite the material limitations of our equipment. The definitive determination will therefore depend on the work of other agencies and institutions which should assume

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responsibility regarding such serious events because they have the means necessary for such purposes. In any case, the evidence adduced illustrates the irregularities on which our conclusions are based.

1) Coquimbo

Community of Algarrobito

This community had an unexpected 72 percent increase in registrations. The fact is that after many years this small locality had achieved the registration of 861 persons. Suddenly, from one month to the next, 619 additional electors appeared there. These registrations, all made within two or three days, are also unusual in that they list domiciles which are impossible to locate precisely, rural references, and unnumbered houses.

Now, then, at the new polling places of Algarrobito, where last-minute registrants voted, UP obtained 454 votes and Confederación Democrática got 92 votes. In the older polling places of this locality, the proportion was 452 votes for UP and 261 votes for CODE.

An obvious conclusion can be drawn here.

Community of La Higuera

There was an increase of 28 percent of the electorate in this community. Here, the results at the new polling places gave 480 votes to UP and only 92 to CODE. At the old polling places of that community, in contrast, the result was 1,112 votes for UP and 366 for CODE.

Polling Place No. 84, Males.

Coquimbo

ELECTOR No. 188. Said his name was Augustín del Rosario Flores Olivares, identity card 77733 of Coquimbo, which belongs to Mr. Victor Hugo Fajardo Olivares.

ELECTOR No. 22. Said his name was Eduardo Enrique Ordenes Rivera, identity card No. 60480, of Coquimbo, which belongs to Mrs. Blanca Ventur Bugueño Rojas.

ELECTOR No. 174. Said his name was René Antonio Reyes Mercado, identity card No. 76198 of Coquimbo, a listing which is not

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included in the Electoral Registry of Santiago. In this highly anomalous situation there are 13 other duly proven cases at this polling place.

The total number of irregularities proven at this polling place was 18 out of the 300 registered there. The result here was 84 votes for CODE, with 30.7 percent, against 190 votes for UP, with 69.3 percent. The overall result for the community of Coquimbo was 50.5 percent for CODE and 49.5 percent for UP.

2) Santiago

The investigation carried out in this province concentrated on checking irregularities which occurred in the registrations at new polling places; since in the majority of cases the registrants presented identity cards from the Civil Registry of this city, verification is made easier. Let us now look at some cases:

Polling Place 373 in San Miguel for Males, one of the last to be established, 12 irregularities and evidences of fraud out of a total of 276 voters. We shall cite some cases as examples:

ELECTOR No. 76. Said his name was Enrique Marcelo Sttebler González, with identity card No. 73,311,264, of Santiago. On checking this number in the Civil Registry, it was found to belong in fact to Mrs. María Virginia Sanhueza Roca.

ELECTOR No. 56. Said his name was Guillermo Félix Acevedo Díaz, identity card No. 6,279,280 of Santiago. This card belongs in fact to Mr. Miguel Laguna Meza.

ELECTOR No. 51. Said his name was Miguel Angel Gaete Ortiz, identity card No. 6,491,719, of Santiago, which belongs in fact to Mr. Iván Guillermo Vega Alvarado.

ELECTOR No. 134. Said his name was Juan Ramilo Vásquez Rivera, identity card 6,377,711, of Santiago, which belongs in fact to Mr. Juan R. Márquez Rivera. We call attention to this case because the evident agreement of names would make one think of an error, but a curious fact is that in the electoral registration there are two complete names while in that of the Civil Registry there is only an initial for the second. But a difference such as this was sufficient to keep the computer of the Electoral Registry from picking up a double registration.

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ELECTOR No. 184. Said his name was Ramón Barraza Farías, with identity card No. 6,443,882, of Santiago, which belongs in fact to Mrs. María Ramírez Bustamante.

ELECTOR No. 218. Said his name was Ricardo Segundo Abarcil Olivares, identity card No. 6,696,766, which belongs to Mr. Ricardo Segundo Abarca Olivero.

The results from the polling place were 86 votes for CODE (31.2 percent) and 190 for UP, which thus obtained more than two-thirds (68.8 percent) of the total. In the same community, the overall result was 47.5 percent for CODE and 52.5 percent for UP. At this polling place, then, CODE lost 16.3 points in comparison with its average.

Polling Place 374, for Males.

San Miguel

ELECTOR No. 95. Said his name was Manuel Ramón Araya Miranda, identity card No. 7,374,969, of Santiago, which belongs to Mr. Jorge Eduardo Cepeda Araos.

ELECTOR No. 120. Said his name was José Huaiquimil Huaiquinao, identity card No. 7,360,388, of Santiago, which belongs to Mrs. Sara Aránguiz Fernández.

ELECTOR No. 183. Said his name was Enrique Eulogio Ascui Bustamante, identity card No. 7,259,985, of Santiago, which belongs to Mrs. Rosa Elena Arenas Corral.

ELECTOR No. 188. Said his name was Miguel Herminio Brunet Rodríguez, identify card No. 8,619,817, of Santiago. This identity card simply does not exist, because the highest number reached thus far is only around 7,900,000.

ELECTOR No. 297. Said his name was Jorge Pedro Gamboa Lizana, identity card No. 9,601,147, of Santiago, which also does not exist, for the same reason just indicated.

At this polling place of 300 registrants, there are 27 clear cases of fraudulent alterations, duly verified, without counting the doubtful cases which are still under study. At this place, UP obtained 66.6 percent of the votes, which leaves no doubt as to which political sector was the beneficiary of the fraud, in accordance with what was pointed out earlier for the Community of San Miguel.

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Polling Place No. 38, for Males

La Reina

ELECTOR No. 3. Said his name was Carlos Maximiliano Labarca Opacio, identity card No. 5,897,281, of Santiago, which in fact belongs to Mr. Carlos Maximiliano Abarca Dracio.

ELECTOR No. 6. Said his name was Jaime Marcelo Arias Córdova, identity card No. 7,062,495, of Santiago, which belongs in fact to Mrs. Isabel del Carmen Núñez González.

ELECTOR No. 22. Said his name was Nelson Eduardo Gacitúa Vega, identity card No. 5,748,882, of Santiago, which belongs to Mr. Isaac Saldías Araya.

ELECTOR No. 23. Said his name was Juan Alfonso Olivares Arenas, identity card No. 4,817,427, of Santiago, which belongs to Mr. Juan Alfonso Alvarez Arceras, a similarity which also cannot be picked up by the computer which detects double registrations.

ELECTOR No. 30. Said his name was Eduardo Gandón Tafra Checura, identity card No. 5,973,365, of Santiago, which belongs to Mrs. Sonia Berenguela Berenguela.

Out of a total of 300 voters at this polling place there are 27 cases of proven anomalies and a similar number of doubtful cases still under study. The result gave UP 51 percent of the vote, while CODE received 49 percent. The overall result for the community is 66.5 percent for CODE and 33.5 percent for UP.

Polling Place No. 142, Municipality of Portales (First District of Santiago):

ELECTOR No. 95. Said his name was Marco Tulio Hernández Bouzieres, identity card 6,692,718, of Santiago, which in the Civil Registry belongs to Mr. Francisco Marcelí Cárdenas.

ELECTOR No. 201. Said his name was Sergio Orlando Pizarro Valenzuela, identity card 7,174,149, of Santiago, which belongs to Mrs. Ana Meza Garrido.

ELECTOR No. 204. Said his name was Carlos Manuel Rodríguez Olivares, identity card No. 6,692,300 of Santiago, which in the Civil Registry belongs to Mrs. Riola Maldonado Cerda.

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ELECTOR No. 42. Said his name was Victor Gallardo Velásquez, identity card No. 7,541,276 of Santiago, which belongs to Mr. Victor Garrido Delgado.

ELECTOR No. 279. Said his name was Jaime del Carmen Cabrera Solís, identity card No. 6,730,368, of Santiago, which belongs to Mrs. Luna Díaz Pereira.

At this polling place of 300 registrants, 11 cases show similar frauds. Here, UP obtained 64.8 percent of the votes, and CODE 35.2 percent; in the municipality of Portales, UP obtained 38.2 percent of the votes, while CODE achieved 61.8 percent.

Polling Place No. 295, Males, Ñuñoa:

ELECTOR No. 210. Said his name was Angel Custodio Ortiz Contreras, identity card No. 4,685,276 which belongs to Mr. Diamar Véliz (penal 658411).

ELECTOR No. 49. Said his name was Claudio Miguel Mendel Stern, identity card No. 6,363,016 of Santiago, which belongs to Mr. Juan José Cía Cía.

ELECTOR No. 296. Said his name was Germán Alberto Soto Garrido, identity card No. 4,850,768, of Santiago, which belongs to Mr. Jaime García Ramírez.

ELECTOR No. 51. Said his name was Roberto Fernando Olivares Fernández, identity card No. 6,111,643, which belongs to Mr. Dolme Cristagnan Coloncoman.

ELECTOR No. 187. Said his name was Juan de Dios Medina Medina, identity card No. 8,554,710, of Santiago. This number does not exist because the number 8,000,000 has not yet been reached, as we indicated earlier.

At this polling place in Ñuñoa, 13 irregularities were verified, out of 295 registered. Here, UP obtained 51 percent of the votes, and CODE only 48.8 percent, which can be compared with the 33.5 percent of the votes which UP obtained in the entire municipality of Ñuñoa.

3) The task of investigation continues, and a great many cases could be cited which are under study, the results of which will be made known as parts of the lengthy task are completed.

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Irregular results can also be proved in the provinces of the south. For example, while in Los Angeles the number of male registrations increased by 39.5 percent (which is by itself irregular as it greatly exceeds the national average), in nearby communities, where it is to be presumed that the fraudulent electors would have gone in order to vote more than once, new registrations reached 67 percent in the case of Santa Fe, a village near Los Angeles.

VI. OTHER POSSIBILITIES OF FRAUD

We have pointed out that the use of multiple registrations is the most expeditious way to accomplish a fraud of this sort, but that, nevertheless, there are other means for the same ends, which are ways which have not yet been investigated systematically. Among them we have:

1) Voting by deceased persons who have not been deleted from the Registers. At the Office of Electoral Registry it can be confirmed that between the years 1946 and 1960 very few deletions of registrants were made because of death. These registrations remain in force throughout the country. This circumstance can be taken advantage of if one has access to the official information about deceased registrants whose names have not been removed.

2) Taking the place of voters who are absent from the country. In many cases in which, unfortunately, due note was not taken at the time, claims were submitted on behalf of voters who, living outside of Chile, returned to vote, and who claimed on March 4 of last year that they had been supplanted by someone else who voted and signed in their name. Again, only access to official sources of information would make it possible to come to know the lists of such persons overseas and the location of their electoral residence.

3) Taking the place of voters who, for various reasons, have normally not voted in recent years. In this case, the substitutes had to supply themselves with falsified identity cards and had to have prior knowledge, through official sources, of lists of persons who had not voted recently.

4) Registering twice during the last days of the registration period which ended last November 3, preferably in provinces which were electing Senators, not allowing time for the earlier registrations to be removed. Conservative calculations estimate that this possibility involves between 50,000 and 80,000 irregular votes; however, the truth can only be known after the Office of Electoral Registry investigates these fraudulent double registrations.

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VII. CONCLUSION

As we indicated at the start of this paper, an essential requisite for the existence of a democracy is the holding of popular elections. But, as is evident, for that requirement to be effectively complied with, and for democracy thus to be a legitimate reality, it is absolutely indispensable that such elections be carried out in a manner so impeccable that the results are the true expression of the will of that sovereign people.

When this does not happen, it means that democracy has ceased to exist for that State, since the requisite for its existence has disappeared. For this reason, those public authorities on whom the responsibility for such errors falls, whether as authors, accomplices, or concealers of those vices, are performing their functions illegitimately, and suspicions are raised as to the origins of their respective mandates. It is up to the country, and in particular the institutions capable of amending a democracy formally broken by the public authorities, to assume the responsibility for correcting those errors.

In this report which we now conclude, we have made known to public opinion certain facts which lead unequivocally to the affirmation that during the latest parliamentary elections, held in last March, an electoral fraud of major proportions was perpetrated. Although the magnitude of the fraud cannot be specified definitively until our investigations have been completed, it seems thus far to involve between 200, 000 and 300, 000 illegally cast votes, approximately. At the same time, those same facts lead to a second unquestionable affirmation, that the sector benefitted is Unidad Popular, the political base of the present Government of the nation, on whom the responsibility for all of these events definitely falls.

We can, then, maintain that our democracy is now broken. Our electoral regime has permitted a gigantic fraud, and it does not provide guarantees that such may not be repeated in future elections. At the same time it reveals the shadow of a cloud of suspicions regarding other elections which have been held in recent years under the same regime. It is not up to us to judge those responsible for this breakdown. For this, the country and its Courts of Justice have the floor. But it is clear that in this situation the Chilean people face a task of great significance which can no longer be avoided. That task is to rebuild democracy, creating those new institutions which will guarantee it effectively.

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ANNEX No. 16

II. OBSTACLES TO THE EXERCISE OF THE LEGAL PROFESSION AND TO THE ADMINISTRATION OF JUSTICE

(Official communication from the Bar Association to Salvador Allende, dated September 28, 1972).

The Charter of the Bar Association charges the General Council to make known to the President of the Republic such comments as it may consider appropriate in order for the administration of justice to be carried out in a proper and expeditious manner, and also charges it with watching over the progress, prestige, and prerogatives of the legal profession and the continuing and correct exercise thereof.

In order to live up to its basic purposes, the General Council has remained on the alert to those circumstances which, at this moment of our times, hinder the proper carrying out of judicial duties and the practice of the legal profession.

The General Council has therefore been formulating statements on these matters on various occasions, and it had occasion to make its concerns known directly to Your Excellency during the cordial interview which he had last December with its governing board, in compliance with a decision of that same Council.

Since that time, the problems which disturb the activities of the courts and the defenses entrusted to the lawyers have been increasingly aggravated, and this explains why the Council, at its meeting on the 25th of this month, approved a resolution to transmit these concerns once again to Your Excellency.

We consider it essential to reiterate the viewpoints which we formulated at the above-mentioned interview to the effect that the situation of growing violence which is being extended and deepened throughout the country signifies the greatest harm to the State of Law, and consequently to the fundamental values whose validity constitutes a necessary condition for lawyers to defend usefully the rights consecrated in the body of the law and in order for judges to be able to provide, to the governors and to those governed, the high services for which they are called upon.

The Agrarian Courts have not yet been organized; the public authorities do not provide the assistance of the forces under their jurisdiction

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which are required for compliance with court orders; even the news media guided by the governmental apparatus and persons of more or less high rank in the official hierarchy attack the organs of the Judicial Branch and the ministers and judges, personally; the right of defense is restricted and the basest campaigns are launched against lawyers; these realities and others which could be listed destroy the bases of institutional normality, which are being weakened or threatened with destruction.

Furthermore, the bench and the legal profession are based on the value of the law as a standard of behavior which is compellingly required in order for the members of the Body Politic to tend to satisfy those aims of the public good which the power of the State draws up; hence anything which contributes to the violating of the juridical standards, to overiding them, or to casting them aside, also carries with it a most direct attack on democratic legality as well as the diminishing or loss of the justification for both the legal profession and the administration of justice. Frequent and serious examples of this deplorable phenomenon are to be seen in the dictating and carrying out of resolutions which are foreign to the letter and the spirit of the laws cited; in the rejection of the merits of formal decisions of the supervisory and auditing agencies, and even of the decisions of the courts. Just recently an episode took place in the presence of the public authority, in which, by actions far removed from dialogue, from persuasion, from the legitimate decisions of the administrative or judicial authorities and of the organized and disciplined compulsion of society, an anarchic and irresponsible group imposed its will through physical and brute force.

It is impossible not to see that the abandoning and discrediting of the legal path coincides with the increase, extension, and intensity, of the use of the paths of violence, divorced from all deliberation, in order to achieve the desires of anyone who wishes, as rapidly as possible and through whatever means, to impose what he believes to be just, when the latter many times is merely what desire, passion, or power demand.

It is not the intention of the General Council, nor would it fit in the framework of this letter, to make an analysis of the causes which brought about this phenomenon and of the responsibilities for its creation or extension which might be determined, nor to formulate an evaluation which would condemn anyone.

Nevertheless, these comments are addressed to Your Excellency because it lies within the sphere of the powers of the President of the Republic to adopt many measures which would contribute to reestablishing throughout the country an atmosphere of confidence which would

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restore to the citizens the assurance that all individuals and sectors are equal before the law, proscribing hateful discriminations which have only increased the existing climate of violence; such action would strengthen the prestige of the law, of the authority which loyally carries it out, of justice which acts with efficacy, and of the legal profession which facilitates the legitimate defense of the rights of the citizens; this is a responsibility with which only Your Excellency can comply.

The President of the Republic should exercise the broad authority available to him to bring an end to the anarchic violence by imposing the requirement that, as the Constitution sees it, compulsion may be used only by the disciplined institutions organized for this purpose, and by seeking to facilitate the means of expression of public opinion through the various forms of social communication, as well as by considering the meaning of their reactions, because violence arises from the rebelling of those who cannot use the democratic way, and from ignoring the will of the majority of the governed in the decisions made by the powers of the State.

The universal principle that justice may be applied only by the courts and that no one may take it into his own hands, is losing its applicability; and it is a daily occurrence that those who feel themselves affected by the acts of other persons proceed to seek a solution through increasingly violent activities and, what is very much more serious, with the support of high officials.

The General Council understands that the duty which the Political Constitution has entrusted to Your Excellency is not easy and, in order to evaluate these difficulties, it specifically renews once again the offer which it made of being ready to collaborate, on a high plane, in anything which, falling within its basic purposes, would work towards reestablishing the prestige of the law, the eradication of violence, the strengthening of the irreplaceable channels provided for the benefit of all by the peaceful action of the courts and the free exercise of the legal profession.

Agreement with such high patriotic ideals, because we are certain that they are shared by Your Excellency, has led us, in the exercise of our legal authority, to formulate the foregoing comments at a time which is truly dramatic for the civic conscience of our nation, great in its material smallness because of the patrimony which its history has been accumulating, as well as because of the possibilities which it, and the energy of its sons, open up for a national future of justice in freedom and in peace.

God Save Your Excellency.

(Signed): Alexandro Silva Bascuñán, President; Santiago Santa Cruz Cánepa, Acting Secretary.

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III. SUSPENDING OF THE PRACTICE OF LAW

(Agreement of the Bar Association, dated October 17, 1972)

The General Council of the Bar Association, at its meeting yesterday, adopted the following Agreement:

The General Council of the Bar Association, faced with the breakdown of the State of Law which the country is undergoing, in defense of the higher interests of the Nation, and exercising the right of defense of the institutional system and of the legal profession agrees:

To instruct its members to suspend their professional activities, without prejudice to the obligation of persevering in the defense of all of those litigations, negotiations, or activities in which the general interest of the country is involved, as is the case of the litigation concerning copper and the boundary controversies; or similarly without prejudice to the faculty of acting in defense of the freedom of those who are deprived thereof; or to the obligation on the part of the members of the Judicial Branch to fulfill the duties of their office. However, in truly qualified cases, lawyers may carry out those actions which are essential to avoid leaving their clients defenseless.

This Agreement will remain in force until October 20 of this year, at which time this Council will meet again.

Adopted by thirteen votes in favor, two against, and three dissents regarding the immediate paralyzing of activities.

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V. AUTHORITY OF THE CONTROLLER GENERAL OF THE REPUBLIC TO REPLY TO REQUESTS FOR LEGAL OPINIONS SUBMITTED BY ADMINISTRATIVE OFFICIALS.

(Reply of the Controller to the Minister of Economy, Development, and Reconstruction, dated March 14, 1973)

By official communication No. 155 of March 13, 1973, the Honorable Minister of Economy, Development, and Reconstruction made known his disagreement with Opinion No. 11,318 of February 21 of this year, in which this Agency replied to a request for an opinion submitted by the Head of the Postal District of Concepción, of the Post and Telegraph Service. In reply to said official communication, the undersigned Controller General complies by stating the following:

1. The Minister maintains that this Agency "could not and should not have replied to a request for an opinion received from a subordinate employee of the Office of Post and Telegraph", since in his judgment it can only respond to a request for an opinion from the Heads of Services or Offices, invoking for this argument Article 9 of the Organic Law of the Controller's Office.

However, paragraph 3 of the article cited makes it obligatory for the undersigned Controller General "to provide in writing his finding at the request of any Head of Office or Service", and the enquirer was Head of the Mail Division of Post and Telegraph, that is, the Head of an Office; further, the validity of that procedure has been established by this Agency in a number of decisions, among them in official circular No. 37,109, of 1967, in which it was stated that "requests for opinions may be made by the Heads of Departments or of other agencies and by Regional or Zonal Heads of the Public Services, provided that, by law or by delegation from the Supervising Head, as appropriate, they have decision-making authority in the matter regarding which the opinion is requested". It seems clear that determining the manner in which mail is delivered is a matter which should be resolved with appropriate promptness by the Head of the respective Post Office, for which reason the opinion which led to decision No. 14,348, of 1973, was pertinent and in line with the referenced official circular as well as with Article 9 of law No. 10,336.

On this same point, in addition, it should be noted that the above-mentioned paragraph 3 places on the Controller General the obligation to reply to the requests for opinions therein described, but it does not prevent him from replying to others which may not be stated therein. On the contrary, paragraph 2 of the same article expressly authorizes him "to address any

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authority or official to give instructions regarding the legal review which is his responsibility under the law". Both the Postal Service and the Office of Industry and Commerce are services whose actions are subject to legal review by this Controller General's office, so that it is not apparent in what way the undersigned Controller General could exceed his authority in indicating to the requesting official how to carry out his functions, and particularly if he did so at the request of the official, himself, and in the light of doubts of a legal nature.

2. The Minister maintains that it is a specific and exclusive power of the Executive Branch to determine the procedure to be followed in the case of a requisitory decree which has not been processed by the Controller's Office.

It is appropriate at this time to remind the Minister that the general rule is that administrative actions can only take effect once they have been completely processed, and that such processing includes review and recording by the Controller's Office. As an exception, by applying both Article 10 of law No. 10,336 and Article 158 of law No. 16,464, requisitory decrees may enter into force before the process of review, and will become effective as of their publication in the Official Gazette; this exception makes these decrees seem to be invested from the start with a sort of presumption of legality, which lasts only until the Controller General's office makes its decision on the matter. For this reason, the Office of the Controller General has been able to maintain repeatedly, in a consistent jurisprudence, that "the process of review involves the examination of constitutionality and legality of the actions of the administration, and the validity of the respective decree or decision is determined finally by said process, and that therefore, "it is necessary to understand that if an urgent measure which has been put into execution before its processing has been completed should be declared illegal, its application should be suspended, aside from any responsibility for the act of having executed it which might be found against the administrative authority which so ordered it, in accordance with the provisions of the final paragraph of Article 10 of Law No. 10,336. (Opinion No. 55,041 of 1968). If one adds, immediately, that all of the foregoing is without prejudice to the ability of the Executive to insist on the executing of a decree, with the written approval of all of the Ministers of State; to overcome the objections to a decree and ask for its reconsideration; or even to set it aside; these do not mean that the Administration may delay a decision in any of those senses nor may it maintain, the validity of that decree in the meantime because if it does so, it is maintaining in force an illegal decree; and this Agency has the obligation to make this known, because the situation does not differ, at bottom, from that which would arise if a decree on some other matter were to be applied, omitting the procedure of review. Therefore, it has been maintained in those opinions

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that, once this Controller's Office questions the legality of a decree, the latter should immediately be "suspended in its application". Therefore, in opinion No. 14,348 it was possible to state that decree No. 680, of 1972, of the Office of Industry and Commerce, was illegal and that it was remaining in force de facto, thereby generating responsibilities therefor, because this Agency returned it by official communication No. 84,081 of November 16, 1972, and as the Minister notes, reconsideration was not requested until January 18, 1973, when it was again returned, by official communication No. 13,057 of February 20 of this year, which means that the situation of illegality continued as of the date of opinion No. 14,348 of February 21, which the Minister impugns, and that it continues unchanged up to the present.

3. The comments which the Minister makes in the sense that "it is the Government's responsibility to decide the path which is to be followed with regard to the requisitioned industries, without there being in the law any limiting time periods for deciding among the various legal alternatives", have no validity in this case, because this is a matter of a decree which was not reviewed and is therefore illegal until there is compliance with this requirement which the law demands. The situation of those confiscations in which the pertinent decree has been reviewed is different, because in these cases it can be maintained that the determining of the time when it will end is a function of the Executive Branch and not of this Controller General's Office.

4. What has been said above makes it clear that the undersigned Controller General has not invaded the powers of any authority, but rather that he has limited himself to the exercise of those granted to him by law No. 19,336, of 1964; it is also clear that, far from having introduced changes in the jurisprudence of his office, he has restricted himself to repeatedly and uniformly applying opinions which have been in force since before November 3, 1970, and that, therefore, there is no justification for the unusual reaction of a Minister of State towards an Authority which, with the independence which the Political Constitution guarantees to it, has merely done its duty and exercised the fullness of its authority of legal review.

5. Finally, the undersigned Controller General wishes to protest the unusual procedure followed by the Minister on this occasion, since official communication No. 155 of March 13, 1973, in which he has formulated his comments, was not received in this office until today, March 14, despite having been published in some newspapers on the afternoon of Monday the 12th, and in practically all the press on Tuesday, the 13th of this month.

(Signed): Hector Humeres M., Controller General of the Republic

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VI. ILLEGAL INTRUSION BY THE ADMINISTRATIVE AUTHORITY INTO JUDICIAL MATTERS

(Official communication of the Supreme Court to Salvador Allende, dated May 26, 1973)

By a resolution adopted unanimously yesterday, this Supreme Court decided to address Your Excellency in the following fashion:

"The Second Criminal Court of Rancagua has reported that in usurpation case No. 11,202, orders were given to the Carabineers of Machali to clear the invaded property, but that that order was not complied with, as reported on the 17th of this month by the Prefect of the Carabineers of Rancagua, Mr. Manuel Blanco Castillo, because the Intendant of the Province of O'Higgins ordered, by unnumbered official communication of February 27, 1973, "the suspension of the eviction under reference because it is believed that this is a situation of conflict which falls specifically among the duties stated in Article 45 of the Law of Internal Regulation."

"This Supreme Court points out to Your Excellency for the ninth time the illegal posture of the administrative authority in its illicit intrusion into judicial matters, as well as the obstruction by Carabineers of compliance with orders issued by a Criminal Court which, according to the law, should be executed by that corps without any hindrance whatsoever; all of which signifies an open obstinacy in rebelling against court orders, paying no attention to the disturbances in the juridical order caused by such attitudes or omissions, which--further--signifies not just a crisis in the State of Law, as was pointed out to Your Excellency in the previous official communication, but a final or imminent break-down of the legal structure of the country.

We make known to Your Excellency that, as of this date, just as on other recent occasions, the Military Judiciary has been enjoined to initiate the pertinent prosecution.

"This document is issued for the record", signed by the Chief Justice, the Honorable Justices and the Secretary who authorizes it.

"(Signed): Enrique Urrutia M., Eduardo Varas V., José M. Eyzaguirre E., M. Eduardo Ortiz, I. Bórquez M., R. Retamal L., Luis Maldonado, Juan Pomés, O. Ramírez M., A. Silva Henríquez, V. Manuel Rivas del Canto, Enrique Correa L., J. Arancibia S., R. Pica Urrutia".

God save Your Excellency.

(Signed): Enrique Urrutia Manzano, Chief Justice;
Rene Pica Urrutia, Secretary.

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VII. POSITION OF THE MARXIST REGIME REGARDING THE ADMINISTRATION OF JUSTICE

(Official communication from Salvador Allende to the Supreme Court, dated June 12, 1973.)

By official communication of last May 26, you were pleased to send me a resolution adopted by the Supreme Court in which, after referring to the eviction order decreed in a case of usurpation filed before the Second Criminal Court of Rancagua, regarding which the Intendant of O'Higgins removed the support of the police for its execution, you then formulate serious charges against the administrative authority and the Corps of Carabineers. In fact, you attribute to the administrative authority, as you state "for the n^{th} time", an "illicit intrusion into judicial matters", and similarly charge the Carabineers with obstructing "compliance with orders issued by a Criminal Court which, according to the law, should be executed by that corps without any hindrance whatsoever". Such affirmations constitute a sort of diagnosis expressed not only as an alleged crisis of the State of Law, but also as an immediate or imminent break-down of the legal framework of the country.

The seriousness of the statements contained in the resolution of the Supreme Court, which are not consonant with the juridical truth and which only contribute to generating a state of public unrest, place upon the Executive the unavoidable duty of formulating the specific points which follow.

I am impelled to this, further, because on previous occasions said Supreme Court has seen fit to make public and disseminate through the media statements similar to those which are the motive for this reply, despite the fact that, on each occasion when I have had interviews with the Chief Justice and other Justices, they have raised only problems affecting them personally.

I. HOW THE ADMINISTRATIVE AUTHORITY SHOULD COMPLY WITH DEMANDS FOR THE POLICE POWER

By virtue of a specific constitutional mandate, it is the responsibility of the President of the Republic to watch over the preserving of public order. In the realm of activities of the Internal Government of the State this presidential duty is carried out by Intendants, Governors, and Subdelegates who--by virtue of Article 45 and succeeding Articles of the Law of Internal Regulation--have the duty of maintaining peace and public order.

Thus, in accordance with the text of the resolution of said Court, it is to be inferred that the administrative authority and those charged with

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providing the assistance of the police power would have to proceed with the execution of court orders mechanically, and without any further procedures, by the mere fact of having been enjoined to do so by the Courts of Justice.

Nevertheless, by virtue of universally accepted principles as well as various constitutional and legal provisions, the authorities of the Government, guarantors of peace and public order, cannot proceed without previously considering the facts which would enable them in each case to foresee the personal, family, or social consequences which the executing of the court order could produce at that particular time. It is consequently inadmissible to maintain that these authorities should provide police protection in a completely indiscriminate fashion, because this might lead to situations which would in fact violate the social peace and the public order which they are called upon to watch over. Consequently, these administrative and political authorities are frequently constrained to make judgments of merit or opportuneness regarding the utilization of the police power.

If, as in the case to which you refer and in other analogous ones, the assistance of the police power has not been made available immediately by some Intendant, it is because in the complex of conflicting duties which had to be fulfilled, it was necessary to comply with the overriding duty of protecting social peace and the physical safety of persons who would be placed in a situation of imminent risk by the indiscriminate execution of a court order. In this sense, it is easy to understand that the decision of the authority signifies only a momentary delay in providing the assistance of the police power. Similarly, it is clear that such a measure, adopted by the authority in the sphere of its authority, can in no way be considered as questioning the bases, justice, or legality of the court order whose execution was the motive for the requirement for police power.

It is necessary to recall that this caution or prudence has certainly not been exercised exclusively by the authorities of the present administration. This is demonstrated by the repeated cases of petitions, submitted during former Governments, requesting the recall of Intendants and Governors because of delays in the providing of the police power to comply with court orders, which petitions were rejected. This allows the inference as to why, at all times, the maintaining of social peace and public order has been recognized as the primary duty of the administrative authorities. It is appropriate to underline that on such occasions the Judicial Branch never considered that the State of Law had been violated, much less did it denounce a break-down of the legal framework.

In this regard, it is timely to remember that between September 5 and November 4, 1970, that is, during the last months of the former

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administration the illegal occupation of various thousands of dwellings built by the agencies under the Ministry of Housing took place. This, however, did not bring about the adopting of measures of any sort by the administrative authorities of that time, as it similarly did not induce Your Excellency to formulate any comments on the matter.

Even more, the draft law sent to the National Congress during the month of February 1971, aimed at resolving the situations deriving from these facts, has not yet been finally acted on by both Houses.

Whatever may be the interpretation given to the precepts which govern the subject of the relationship between the judicial authority and the police power, and no matter how rigorous that interpretation may be as regards immediacy, that relationship is in any case subordinated to the realm of the persons and social interests affected whenever compliance with the order transcends a simple relationship between private individuals. In fact, the primacy of the courts, aimed at requiring compliance with court orders, should not, for obvious reasons, affect or endanger the legal rights and properties of innocent persons who are foreign to the particular conflict. When a judge decrees a forceful measure which involves a number of persons, in most instances he does not have data on the social context and the concommitant or future effects which the measure may carry with it. When arms, dissuasive measures, or in general any action against a crowd are used, it is almost impossible for violence not to affect persons completely foreign to the matter, including neighbors, passers-by, young children, etc.

In other words, every time that compliance with a court order, because of its characteristics, goes beyond the particular individuals involved in the case and becomes a social act with serious risks for the physical well-being, the health, or the life of persons, many of them foreign to the procedural development which gave rise to the measure, it is the duty of the administrative and political authority to take all possible precautions in terms of the occasion, time, manner, measures, and procedures which would ensure that the protection of the legal right or property decreed by the judge should not carry with it a more extensive and serious damage to public order and to the safety of persons.

It is for this reason that the Minister of Interior has given instructions to the Police Corps to the effect that, whenever compliance with a court order carries with it risks like those noted, they should report thereon to the administrative authority so that the latter, if the information it has available regarding the entire situation so counsels, can provide for a momentary suspending of the immediate carrying out of the measure. All of this without prejudice to any responsibility which may

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result for the administrative official who decides on such a postponement without well-founded reasons.

The general principles on the extent of need which govern any juridical system, as well as the most elemental criteria of equity, also prevent the police power from complying mechanically with an order, whatever its imminent consequences may be--even those not desired by the issuing judge, himself--if they involve danger to the integrity of the legal rights or properties of greater value than those whose preservation is being sought through the judicial measures. It is understandable that neither the judge nor the police officials themselves have the information necessary to evaluate completely all of the aspects of a serious social conflict, since their new points, because of the nature of the areas of their authority, are necessarily incomplete. For this reason, the Constitution has imposed the duty of maintaining public order on the Government which, possessing all of the necessary information, must decide in a particular case whether to comply with a particular order without further procedures or to delay compliance for a period of time which will assure the protection of all of the individual and social interests involved.

II. MISUSE OF THE PENAL PROCEDURE

It is known that Penal Law is of a purely punitive nature and that it does not establish prohibitions. Its standards are aimed at strengthening, through a more drastic system of punishments, the prohibitions which arise from the entire system of juridical regulations. In other words, what is lawful under common law cannot be unlawful for penal law, whose only mission is to place emphasis on the coarsest forms of violation of the juridical order, treating them with the severest of sanctions, that its, punishment.

All the foregoing explains the exceptional and restrictive nature of penal standards and of the manner of their execution: the penal procedure. Just as it is logical under penal law to come to the defense of legal rights and properties when the violation thereof is more serious and obvious, it is an inadmissible excess to use specially rigorous procedures, appropriate for penal law, to settle legal conflicts whose solution is complex and controversial.

In fact, there are treatise writers who, in order to refer to the mission of penal law, allude to the "minimum of the ethical minimum". Contemporary authors prefer to speak of strengthening the fundamental ethic-social criteria.

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In brief, it is wholly incompatible with the nature of penal law and of its implementation through the penal procedure that its delicate mechanisms, designed to protect fundamental legal properties when they are under intense attack,which the normal juridical regime cannot effectively control, should turn out to be used and perverted for dealing with juridical conflicts and controversies for which the institutional system has provided normal and less drastic avenues for solution.

For some time, jurisdictional organs have started to accept, with unprecedented frequency, baseless complaints against authorities who exercise the discretionary faculties falling within the sphere of their authority. Those who bring such suits with the apparent intention of claiming the protection referred to in Article 7 of the Code of Penal Procedures are using this procedure as a subterfuge, seeking to invalidate or to weaken decisions made by the government or the administrative agencies.

Although the Political Constitution provides the penality of nullity for the exceeding of authority, and Article 4 of the Organic Code of the Courts provides that "the Judicial Branch is prohibited from encroaching on the authority of other public powers and in general from carrying out functions other than those specified in the preceeding articles", penal actions whose outcome is manifestly unsuccessful, but which are used to disturb or interfere in the normal activities of the Executive Power, have become habitual.

From among the most notorious examples of this practice or phenomenon which subverts the inherent powers of the Judicial Branch, transforming them into a means to disturb the legitimate exercise of authority, special mention can be made of the various statements whereby the courts are in the habit of excessively extending the scope of the preventive measures which they have approved in the case of industries which have been requisitioned or subjected to intervention by administrative decree.

It is in this way, as a result of such perversion of the preventive measures contained in Article 7 of the Code of Penal Procedure, that there arises the unusual paradox in a State of Law, that the authorities whose investiture is the result of legitimate decisions which have even been ratified by the Controlling Agency, are relieved of their functions and even constrained by the police power to abandon the locale of their duties, together with the workers who were the object of this type of unfounded litigation. To mention a notorious instance, this happened to the interventor designated for the conflict of the newspaper "La Mañana" of Talca; to resolve this case the pertinent back-to-work decree was issued, with no objection having been raised during the legal review

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which should have been carried out by the Office of the Controller General of the Republic; this made the interventor seem to be invested with powers whose legitimacy was beyond dispute. Despite this, the police power was called upon by a court order to evict the workers in conflict, and the interventor, from the locale of that newspaper. These people decided, patriotically, to abide by the improper decision of the Court, in order not to give rise to a jurisdictional conflict between the Powers of the State, which would inevitably damage the normality of our institutional life.

Unfortunately, this lamentable case is being transformed into a precedent, which completely distorts the most important mission which the Criminal Courts are called upon to fulfill in protecting the fundamental ethic-social values. Public opinion views with concern the limitations, defects, lack of speed and efficacy of penal justice when it has to repress common criminality, especially as it affects the neediest and lowliest sectors which lack protective fencing around their houses and other means of protection. Meanwhile, many judges use the greatest part of their zeal and promptness in ordering preventive measures requested by businessmen who use penal action for usurpation as a pretext to invoke the above-mentioned Article 7 of the Code of Penal Procedures, in order thereby to avoid the legitimate actions of the administrative authority.

Some judges, carried away by a solicitude and an enthusiasm not common in the interpretation of the precept under reference, have been able to extract from it a meaning and scope so excessive that the Interventors are not only prohibited from carrying out legal acts, like cashing checks, making purchases or sales, or similar activities, but they are also prohibited from physically entering the locale of the industry in which they are supposed to carry out their duties. This highly dubious constitutional fantasy leads to situations which are quite difficult and certainly prejudicial for the economy of the nation and of the enterprise itself.

In this regard there are about thirty enterprises affected by preventive measures. Among them can be mentioned Fensa, Cristalerías Chile, Soprole, Metalúrgica Cerrillos, Cholguán, etc.

The decision of a Judge of the Court of Appeals of Santiago who recently, by means of the many-times cited Article 7 of the Code of Penal Procedures, called for the lifting of the temporary closing of a radio station which had been decreed by the Ministerial Secretary General of Government by virtue of the authority expressly granted to him by the Regulations for Radio Transmission, goes beyond anything thus far known in this regard. In fact, this suspension was decreed by the Government within the discretionary area of its powers, and this is true even putting to one side the basic facts which it had in view for issuing the decree.

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Those facts refer to a false and alarmist report which seriously endangered public order and security in the context of a conflict which, because of its nature, led the authorities to declare a state of emergency. Even more: it is a duty of the Executive Branch to preserve public order, hence the essence of its functions is to evaluate in every case the utilization of the legal instruments available to it. The fact is that a debate has arisen regarding the possible repeal of the referenced Regulation, a debate in which the Minister of Interior, through lengthy statements, held the thesis of its continuing fully in force. The arguments adduced by the Minister have to do with the nature of a decree having force of law and not merely a supreme decree, which is the nature of that Regulation; and that, in any case, the constitutional rule of Article 10, No. 3, to which the effect of repeal is attributed, although giving to the law the power to modify the regime of the ownership and the operation of the radio transmitting stations, could only be an impediment for future alteration of the legal statute now in force by any means other than the law; but it cannot mean the retroactive cancellation of the legal statute which was in force when the new constitutional rule was enacted.

Be that as it may, since an "exquisitely" technical point of juridical interpretation is involved here, the possibility is completely rejected that there is here a crime of prevarication deriving from the circumstance that an official who shares the thesis of the Government regarding the validity of that text makes use of it. It is known that every crime requires criminal intent and an awareness of illegality. But this subjective requirement is much more intense when it is a question of prevarication, a kind of crime which by its nature cannot occur in a simple departure from the opinion held by the judge, even though this might be the prevailing view, because an attitude of disloyalty or a malicious tendency or purpose of acting against the law is essential. Otherwise, and the comparison is perfectly legitimate, any judge whose decision was overruled could be tried for prevarication, which would make even the act of interpreting the law impossible.

The emphasis on subjectivity is included in Article 228 of the Penal Code, when it requires that the manifestly unjust decision must have been issued knowingly. What is stated regarding criminal prevarication is also valid for culpable prevarication, since "inexcusable negligence or ignorance" are incompatible with an attitude of abiding by solidly based legal principles and can only refer to a behavior of conscious lack of concern with, or abandonment of, the duties inherent to the office.

Now then, if from the start it seems clear that the precepts which punish prevarication are totally inapplicable to this case, it is then a violation or an abuse for the matter to be admitted for processing for

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the only purpose of ordering a preventive measure under Article 7 of the Code of Penal Procedure. Such an action not only distorts and contravenes the sense and the spirit of penal law, but also gives to the formula of that Article the scope of a very summary judgment at the civil or contentious administrative level.

III. DENIAL OF JUSTICE

I cannot fail to transmit to Your Excellencies the concern of the Government at the limited or null intimidatory or dissuasive effect resulting from requests made to the Courts for violations of the Law of Security of the State.

It is inevitable that such inefficacy becomes related to the apparent benevolence with which those responsible for such crimes are treated, made manifest either in total lack of punishment in most cases or in ridiculous sentences on the few occasions when a conviction is achieved. To this should be added the suspending of the sentence, granted even in the most notorious cases of the intent to persist in perpetrating such violations, and finally, the parsimonious and dilatory procedures. It is enough to point out, as an example, that a certain opposition newspaperman, one of the most tenacious offenders, who has used the villification of institutions and authorities as a means to achieve political prominence, after receiving a minimum sentence for several dozen accumulated violations, a sentence which in fact was suspended, resorted to an appeal against the decision before that Honorable Court, which, after ordering no novation, delayed more than six month in handing down a decision on the appeal. A second conviction for new violations committed by that same person is and has been for various months once again before Your Excellencies, also with an order for no novation.

The fact that at least in the foregoing case there was a conviction, whereas in the majority of the trials for similar violations the case ends up dismissed and filed, is not, naturally, a motive for satisfaction.

I find myself obliged, nevertheless, to underline the extreme seriousness with which the innocuousness of penal justice in relation to such excesses is invested.

The abusing of the Head of State, while immediately a violation of public order, is also an offense against the sovereignty of the people, from whom the former receives his high investiture. Jeers, mockery, insults to the authorities, as well as defamation and villification of our Armed Forces and their highest representatives, are a calculated attempt to tear down our institutions, which opens the way to social dissolution.

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Only as an example, I have considered it pertinent to append to this communication some transcriptions of radio programs broadcast specifically by the transmitter which, under the so-often mentioned Article 7 of the Code of Penal Procedure, has received the protection of some judges. I am certain that Your Excellency will be able to appreciate the subtlety of the statements and the considered use of language which characterizes those texts.

It is also appropriate to mention here those incessant violations committed by the broadcasting and dissemination of false, tendentious, and alarmist news, as well as the perverse and insulting suggestions to our armed institutions aimed at leading them into breaches of discipline, or at arousing in them feelings of disgust or lukewarmness towards the service, or which result in their being the subjects of disapproving talk.

It seems clear that tolerance and benevolence towards excesses against the authorities, in the form of offenses and insults to their leading representatives, carries with it a general deterioration of the respectability of the institutions, which leads to such irrational attacks coming to reach, for quite evident reasons, not only the representatives of the Executive Branch but also the members of all three Branches of the State.

If the fate of this sort of accusations produces dismay and even incredulity, such discouragement is even greater, if possible, when violence and terrorism must be investigated in cases in which the material evidence and the arms found in the possession of the persons responsible turn out to carry no weight at all in the decision.

It is thus that we have a double paradox. On the one hand, the only punitive result of the most scandalous and insolent excesses committed from opposition radio stations has been the charging as defendants of two Ministers of State responsible for the General Secretariat of Government. On the other, the only penal effect in the greater part of those cases in which persons involved in violence have been arrested and their arsenals searched, has been the trials of the Intendants who gave the order and the police officials who complied with it.

Lack of zeal, then, in the punishing of seditious persons; extreme susceptibility, to give it some sort of name, with regard to the authority engaged in the defense of public order and of the security of the country.

The actions of that Court have been very different in its relations with previous administrations, to which it provided prompt cooperation through decisions issued by the full Court.

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Such took place on September 11, 1954, whereby the Courts of Appeals were made to see the need for the judges, in cases involving the Law of Defense of Democracy, to use "the greatest interests, celerity, and promptness, so as to carry out the investigation in the shortest possible time", adding that "the judge, through the exercise of his high duties, is called upon to assist in the maintaining of public order".

In this regard, it is appropriate to keep in mind the significant change in attitude of the Supreme Court, especially since "the great number of strikes and stoppages of all sorts which are taking place at this time throughout the Republic..." was taken into consideration in establishing the basis for the decision under reference.

On a more recent date, June 30, 1970, when the composition of the Court, with only one exception, included all of its present numbers, the decisions of April 2 of the same year and of June 30, 1969, were reiterated in order to recommend to judges hearing cases involving violations of the Law of Internal Security of the State and other acts of violence or terrorism that they exercise the greatest dedication and energy to duly clarify the pertinent facts and use the greatest celerity in handing down the appropriate decisions so that the sanction applied should be properly effective.

We are unaware of any type of decision of a similar sort adopted by that Court arising from the suits filed by the Executive during the work stoppage of October or from the requests for investigation of the acts of violence unleashed by the opposition sectors, whether against television or radio stations, or against persons who have not agreed with the leaders of their trade unions or associations in the illegal actions fostered by the latter.

Along this line I cannot but express my surprise at the fact of not having noticed any reaction on the part of Your Excellencies to the agreement of the Board of the Bar Association to suspend from professional activity four distinguished members of the Order, among whom are included two sons of former Supreme Court Chief Justices, merely for not having abided by manifestly arbitrary orders from that Board on the occasion of the lawyers' strike ordered by the latter last October in manifest violation of clear legal precepts.

Such a sanction is a precedent whose seriousness Your Excellencies should duly consider, particularly if it is realized that--because of that sanction--the principal banking institution of that country, the Central Bank of Chile, is left practically without proper legal defense.

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There should be no surprise, then, at the fate of the suits (over 160 in the Court of Appeals of Santiago, alone), which have been initiated during a period of two years for violations to the Law of Security of the State.

But just as the Government is faced with a denial of justice in a great number of cases, something quite similar must be borne by the people exposed to common crimes.

The lack of concern with the need for justice required in this latter case, specifically for the weakest and most dispossessed, in contrast with the diligence in attending to the property claims of the powerful, could be explained by the class of values in whose light justice is dispensed.

IV. THE SCALE OF VALUES OF JUSTICE

One case, among many, which surely portrays expressively this transposition of values and non-values, is the one which took place in the locality of Chesque, near Loncoche. A group of armed large-landholders carried out the retaking of that property, which had been occupied by some landless Mapuche peasants. The Government does not approve of usurpation and believes that this is a question of a desperate and inappropriate method of expressing the aspiration of the peasants for land. Despite this, it cannot but express its surprise at the judicial decisions involved in this case. As is known, the outcome of the retaking of the land was the death by shooting of one of the occupying Mapuche peasants, The courts decided that the homicide was not illegal because it had been perpetrated in the course of a legitimate defense of property; and those who had caused the death were granted their unconditional freedom. In contrast, the Mapuche peasants remained in preventive custody for seven or eight months, deprived of their freedom which they recovered through the efforts of a distinguished lawyer who assumed their defense.

It follows from the foregoing that a manifest lack of understanding on the part of some sectors of the Judicial Power, particularly of the Superior Courts, of the process of transformation which the country is undergoing and which expresses the strong desires of the great ignored masses for social justice, leads in practice to having both the law and its judicial procedures placed at the service of the interests affected by the transformations, to the detriment and harm of the institutional system and of the peaceful and normal living together of the various classes and authorities.

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It is often maintained, and the argument has been used with some insistence by judges of that Court in press and television interviews, that the criticisms which are raised against certain judicial decisions should be aimed at the law, which is susceptible of being changed, and not at the judges who limit themselves to applying the law. Such a statement is not at all convincing, and it over-simplifies the heart of the matter, because such an argument ignores the fact that laws are interpreted; and it is in the interpretive task, in the meaning and scope which are given to the terms used in the texts, that the valuations of the judges are displayed, through which judgments there runs an underlying concept of the social relationships and of the hierarchies or order of priority of juridical values. The criticism is not aimed, then, at the application of the laws made by the judges, but rather at some of their interpretations and evaluations, which are in contrast with the progress of ideas and with the new realities which the country is living.

It may be that the foregoing explains why on every occasion when the harsh social and political struggle of our country has come to a boil, as in the crisis of last October, and voices of superior moral significance, like that of Cardinal Archbishop Raul Silva Henríquez, or those of the Rectors of the Universities have been raised, the voice of the Honorable Court has been absent, or more accurately, it has been present to formulate comments of doubtful timeliness which in no case were conducive to social peace and the reestablishing of the democratic dialogue.

With the highest consideration, I greet Your Excellencies.

(Signed): Salvador Allende Gossens, President of the Republic.

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VIII. DEFENSE OF THE INDEPENDENCE AND POWERS OF THE JUDICIAL BRANCH

(Official communication from the Supreme Court to Salvador Allende, dated June 24, 1973).

YOUR EXCELLENCY:

This Supreme Court, by a decision taken today agreed to address Your Excellency in the following terms:

"Having received in the Office of the Chief Justice of this Court the communication from Your Excellency dated the 12th of this month, the Court met in plenary session and agreed that because said communication distorts the law, exaggerates the importance of administrative duties, and slanders the judicial function, it cannot remain unanswered.

I. Introduction

This Court wishes to inform Your Excellency that it views his communication as an attempt to subject the free criterion of the Judicial Branch to the political needs of the Government, through searching for forced interpretations of the precepts of the Constitution and of the laws. As long as the Judicial Branch is not erased as such from the Constitution, its independence will never be abrogated.

This Court also wishes to state firmly to Your Excellency that the Branch over which it presides deserves from the other Branches of the State, as a constitutional duty, the respect which is its right, and that it also deserves it because of its honesty, deliberation, human feeling, and efficiency; and that no insidious evaluation by some unnamable congressman or by dirty newspapermen will be able to disturb the views of the Chileans on this particular matter.

II. Comments regarding an error.

The President of the Republic, without noticing it or having been drawn into it, committed an error in taking sides in the systematic task--never achieved--which some sectors of the country have unleashed against this Court. The Court regrets this deeply, and it says this because if in his communication Your Excellency has invaded a juridical area from which he is constitutionally barred, this Court, in order to reestablish the equilibrium which has thereby been upset, can in turn

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enter the area of administrative procedures if only to point out to Your Excellency the importance and the consequences of his error. The mistake consisted in exchanging the pedestal of Supreme Power on which the citizenry and, consequently, this Court had placed him, for the precarious position of militant opposition to the highest jurisdictional organ of the country, which, as an imperative duty, must at times in its decisions go against the most fervent desires of the Executive Branch.

The error mentioned is an extremely serious one because the Supreme Chief of the Nation was considered by the common citizens and by this Court to be the guardian of the administrative legality of the country against the excesses of some subordinates, and it is therefore lamentable that he should now set himself up as a censor of the Judicial Branch, taking sides with those whom he previously ordered to comply with the law. The undersigned Justices were surprised by the change and the attitude of Your Excellency, because we understand that this demeans his constitutional function.

Up to now, this Court had addressed to the Supreme Chief of the National brief communications aimed at achieving, through his intermediation, an end to the resistance of some administrative officials to carrying out judicial orders, and in various cases this had been obtained. From now on it may no longer do so, because the powers of the Judicial Branch are being disavowed by Your Excellency, thereby giving an appearance of honesty to the contumacy of the administration.

The non-participation of the Supreme Chief of the Nation signified a guarantee, even though it were relative and apparent, of the correct functioning of judicial institutionality; but that guarantee has disappeared now that the President has accepted the mistaken suggestions of his presumed collaborators and has undertaken full partisan militancy in the offensive unleashed against a power which cannot, without violating its trust, submit to the requirements or desires of any of the other Powers of the State.

III. Your Excellency, Interpreter of the Law.

The President has assumed the task--difficult and arduous for anyone who knows the Law only through others--of establishing for this Supreme Court the guidelines for the interpretation of the law, a mission which, as regards the matters entrusted to it, falls within the exclusive competence of the Judicial Branch and not of the Executive Branch, as stipulated in articles 80 and 4th of the Political Constitution of the State, which have not yet been annulled by administrative practices. The first of these states:

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"The authority to judge civil and criminal cases belongs exclusively to the tribunals established by Law. Neither the President of the Republic, nor the Congress, can in any case exercise judicial functions, remove pending cases from one court to another, or revive terminated proceedings."

The second states:

"No magistracy, or person, or assembly of persons, not even under the pretext of extraordinary circumstances, is empowered to assume any other authority or right than those that have been expressly conferred upon them by law. Every act in contravention of this Article is void".

The duty of interpreting the law in order to judge civil and criminal cases in conformity with the standards which the law itself establishes, naturally falls to the one who judges, and if he exclusively has the authority to judge it is because other organisms or powers do not.

If this Court has always respected the political and administrative powers of the President of the Republic, it claims for itself, in turn, respect for its judicial functions. It claims the right to judge any matter of a temporal nature between parties which is submitted to it through the procedures of legal recourse; and when a judgment is rendered, the administration is subject to the judiciary and should respect the decision of the latter in the case involved. In litigation between the national Government and private individuals, and between the former and corporations or entities, the administrative interpretation of the law has no validity if the judiciary decides to the contrary; and the Government should, for its part, through an appropriate decree, comply with the executory judgment handed down.

When the judiciary enters into action in matters of its competence, all citizens are subjected to its decisions, whether they be in agreement therewith or not. And that competence is not determined by the President of the Republic; rather, the Judicial Branch, itself, determines whether it is competent or not, in accordance with the Constitution and the Laws. And if any member of this Branch should clearly violate juridical standards, he also is subject to the sanctions which the Constitution and the Laws establish.

IV. Executing of Court Orders

Your Excellency's communication deals with this subject in the paragraph headed "How the administrative authorities should comply with demands for the police power."

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The rhetoric and dialectic of the paragraph, at times twisted, leads to the conclusion--following the indicated line of argument--that the administration complies with demands for police power whenever and however it wishes. Because all of the arguments of the paragraph tend to demonstrate that the presidential view is that the administration evaluates, appraises, and issues value or "merit" judgments regarding judicial orders, as to whether to comply with them, to interpret them, to delay compliance therewith, or to limit them according to the judgment of the administrative or police official, who may be new in his post.

The President is mistaken; that is, the advisors who led him into error without malice are themselves in error.

No administrative official, as such, has legal authority to judge Justice. He should simply comply with the decisions of the latter. This is so stated in Article II of the Organic Code of the Courts, with which the President may not be familiar, but which should be known and not forgotten now by those who surround him. It states--and it should all be underlined--:

"In order to have its decisions executed and in order to carry out or to have carried out those orders which they may decree, the courts may require from the other authorities the assistance of the police power which is responsible to them, or other official means of action available to them.

"The authority legally required so to do should provide such assistance, without concerning itself with evaluating the basis on which it is required nor with the justice or legality of the order or decree whose execution is being sought."

And as if that were not enough, Article 12 of that Code adds:

"The Judicial Branch is independent of any other authority in the exercise of its functions".

A fundamental precept is written in the law to be respected by the other Branches and for the men and women of the Judiciary to comply with it and to defend it with strength and firmness against any factitious attempt to derogate it. A duty which this Court will carry out with the greatest firmness against anything and anyone. And if, in order to defend it, it is necessary to sacrifice the good relations with another Power of the State, which it ardently wishes to maintain, it will nevertheless make the difficult sacrifice.

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No sociological disquisition, or juridical subtlety, or demagogic stratagem, or malicious citing of past political regimes is capable of annulling the legal precept copied above, copied so that Your Excellency may read with his own eyes and understand for himself its clarity and precision, which permit of no elusive interpretations. Also directed at the comprehension of the President is the following information which will be useful to him for a complete understanding of the situation which has arisen.

The Minister of Interior issued instructions to the police forces by means of a confidential circular of which this Supreme Court has had word only indirectly.

Despite such instructions having been considered legitimate and necessary by the Minister of Interior and Commander in Chief of the Army who issued them, they were given a confidential classification.

By relating what in Your Excellency's communication is termed "Judgments of merits or opportuneness regarding the utilization of the police power" to the circular under reference, one could conclude that in Your Excellency's view it is the Government, because only its spheres have the necessary information, which should decide whether or not compliance with a judicial order should be delayed for a certain time in order to assure the due protection of the individual and social interests involved. This is equivalent, to make a good story, to leaving up to political judgment the validity of judicial decisions. Aside from the fact that for the party injured by such decision, the exercise of his rights, which have already been recognized by the Courts, is made subject to a new process which has no legal and constitutional basis.

It is true that, according to the circular, the decision of the administrative authority "means only a momentary suspending of the assistance of the police power"; but this language covers up--as is already known--what is occurring often: the indefinite suspending of compliance with a judicial order.

There is a precept which conspires--in a legitimate conspiracy--against all this: a precept of the Law for Domestic Regulation, Decree with the Effect of Law No. 22, of 1959, which states:

"Intendants and Governors, when required by the Courts of Justice to effect the execution of court orders and to put into practice or see to the putting into practice of the instructed actions which they decree, must provide the assistance of the police power which is responsible to them,

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without concerning themselves with evaluating the basis on which the request is made nor the justice or legality of the decision or decree whose execution is being sought."

This is what the Law for Domestic Regulation states, and it is a repetition of Article II of the Organic Code of the Courts. We do not know how Your Excellency's advisors could have convinced you that they say something else.

It is evident that these same advisors, or someone else with the same views, urged the Minister of Interior, contrary to the precepts mentioned, to issue the strange instructions which, without evil intent, he appears as having signed.

Finally, with regard to the subject we are discussing, it is important to underline to Your Excellency, as this was not done by your advisors, that the official reply addressed to this Court contains a confusion between civil matters and criminal problems as regards the use of the police power. It is not only compliance with the decisions rendered in the former matters which has been the object of indefinite delays. Even criminal court orders, which are sent directly to the police power, have been resisted by the police authority by virtue of orders from the Intendants and Governors, who are responsible, as is known, to the Ministry of Interior and who comply absolutely with the latter's circulars. It is only to these last, that is, to the orders issued in criminal matters, that reference has been made in the several official communications which this Court sent on recent dates to Your Excellency.

V. Reply to the "Misuse of the Penal Procedure".

One of the headings in the official communication which Your Excellency addressed to this Court reads: "Misuse of the Penal Procedure".

After the first paragraph of this section, in which the hand of some so-called specialist in penal law is evident, the communication reads: "It is an inadmissible excess to use specially rigorous procedures, appropriate for Penal Law, to settle legal conflicts whose solution is complex and controversial."

This is an inadmissible error, because all penal conflicts are of disputable solution, and it is for this reason that they are called conflicts.

If it is further added that there are complex and simple conflicts in penal procedure and they should all be resolved by the Judge within

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the same procedure, the result of all this is that the advisors "flee" from the logic which they constructed when they suggested that penal procedures were not made to resolve "legal conflicts whose solution is complex and controversial."

The persistence of the communication in insisting on these fugitive ideas shows that they have been made up out of rock-like politico-juridical incrustations, against which the battering ram of logic smashes uselessly.

Your Excellency states that Article 7 of the Code of Penal Procedure cannot be used as often or as intensely as it has because it does not have the meaning which the judges attribute to it in that part which states that one of the first measures taken by the summary proceeding shall be "to give protection to the injured parties". Other laws--it says--providing less drastic solutions should be applied, not the laws of penal procedure.

That is to say, the thesis of the Executive is that the harshness of the solution is not consistent with Penal Law. And this would be true despite the fact that the characteristic of Penal Law is that it punishes the offender and that it is, therefore, an essentially harsh law. It is not known--and the communication does not say--why Penal Law should be drastic as regards punishment but cannot be drastically effective in giving protection to the injured parties.

Criminal proceedings have become habitual--the note continues--whose outcome is manifestly unsuccessful but which, nevertheless, are used in order to disturb or to interfere in the normal activities of the Executive Branch. And immediately after, that "this practice or phenomenon subverts the powers inherent of the Judicial Branch, transforming them into a means to disturb the legitimate exercise of authority."

In other words, Your Excellency asserts that the Courts accept cases which are destined to be rejected, which constitutes "a means to disturb the legitimate exercise of authority."

Your Excellency would not have brought against the Courts the unjust charge of "disturbing the legitimate exercise of authority" if he had noticed, or if it had been brought to his attention, that many years ago jurists proclaimed the right to bring suit, civil or criminal, as a special form of the right of petition, and that this legal right cannot be delayed by Justice, except in exceptional cases, without prejudicing the final outcome of the action.

This means that the Courts have the duty to accept a criminal action, without anticipating whether the result will be favorable to the plaintiff

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or not, and only in exceptional cases, as occurs for example in Articles 91, 92, and 97 of the Code of Penal Procedure, can they refuse to accept an accusation or complaint lodged with them.

So that, when the Courts accept a claim which is later rejected, they are not obstructing the legitimate exercise of authority, but rather they are respecting the legitimate exercise of a right of private individuals and are duly complying with all of the legal precepts.

It has happened that, in cases of requisitions or interventions or other orders from the administrative branch, or of the "seizures" of properties, factories or enterprises, the injured parties have understood that, either because the actions were not proper under the law, or because their duration is incompatible with the temporary nature of the measures under the law, those actions constitute a crime of usurpation cloaked with legal trappings, and they have accordingly brought suit, in order to have the culprits punished.

In a number of such cases, the judges have given protection to the injured parties, ordering the return of the industry, factory, enterprise, or property, but the administration has resisted the order, thereby openly violating the Constitution and the laws because adjudication is a function of the Judicial Branch, and not of the Executive Branch (Article 80 of the Constitution), and because the administration is subject to the court once a temporal conflict has occurred which has been submitted to the Courts of Justice for its resolution (Article 5 of the Organic Code of the Courts). If the latter consider that the decree is illegal--and they may do so by virtue of their powers and of the hierarchical order in which juridical rules are applied--the administrative act has no legal standing among positive rules and should not be complied with.

And it is not the administration which can decide regarding the competence of the Court to hear the case, but rather this Supreme Court, or the Senate, depending on whether it is a conflict of competence between the political and administrative authorities and the judge of the first instance, or between the former and the Superior Courts (Article 191, Paragraph 2, of the Organic Code of the Courts, and Article 42, No. 4, of the Political Constitution).

The administration can never decide, of itself, whether the Court of Justice which is hearing a matter is competent to do so or not. Yet it has sought to do so, nevertheless, on various occasions.

Even if the Judge or the Superior Court should commit the offense of prevarication, even if their decision is the result of a gift or a promise,

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the administrative official may not resist the order; instead he would resort to his rights as an official and a citizen, but the exercise of these rights should be initiated before the appropriate Court of Justice.

It is justice which legally punishes those who corrupt their judicial function. It is not the administration. Just as the corrupters of the latter are punished by administrative sanction, and in the end by the Supreme Administrative Agency.

VI. Some Special Cases Discussed in Your Excellency's Communication. First Special Case. The Newspaper "La Mañana" of Talca.

One of the important cases in which Your Excellency happened to participate directly was that of the newspaper "La Mañana" of Talca. As became known in administrative and judicial spheres, Your Excellency ordered the police power to evict the occupants who were there because of a back-to-work decree which, it was said, referred to the management of the Newspaper and not to the right of the owner to issue his opinion freely in the press.

Believing that this decree was unconstitutional, the injured party brought suit before the Courts and asked for protection in accordance with Article 7 of the Code of Penal Procedure. This assistance having been denied to him by the Court of Talca, he turned to this Supreme Court, filing a complaint, and the Third Division of the Court found that as management of the paper could not be separated from the free expressing of ideas thereby, since the material equipment of the former, and its operators, are necessary for the exercise of the right granted by the Constitution, it accepted the recourse of complaint by the owner of the paper and decreed that he be given protection, returning to him the building and the material properties of the Newspaper.

Compliance with the order having been resisted by the occupying persons, Your Excellency ordered that compliance be effected by means of the police power, one or two hours after this Court had pointed out to him the anomaly which non-compliance with the order represented for legality.

Your Excellency was the one who wrote the history of this case, but after writing it he forgot it; and it is thus that in his communication he states that "These people--referring to the Interventor and the other occupiers--decided, patriotically, to abide by the improper decision of the Court, in order not to give rise to a jurisdictional conflict between the Powers of the State, which would inevitably damage the normality of our institutional life."

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Although the matter was not like that, Your Excellency's version could lead to the conclusion that if there is patriotic spirit when improper Court orders are obeyed, there would be much more patriotism when those orders which are clearly proper are complied with. Or is the only patriot the one who obeys that Justice which is in error and not the one who submits to the Justice which is correct?

But it is not possible to finish this paragraph without thanking Your Excellency for his comprehending that "a jurisdictional conflict between powers of the State will inevitably damage the normality of institutional life."

This is just what we Justices of this Court have said repeatedly to Your Excellency, in an implicit manner, in the official communications we have addressed to him.

And if the President of the Republic is in agreement with the Supreme Court, he should decisively order the Administration not to provoke jurisdictional conflicts by its non-compliance with decisions of the Courts.

Second Special Case. The Secretary General of Government

The comments in Your Excellency's communication regarding the suspending, by order of the Secretary General of Government, of the transmissions of Radio Agriculture, and regarding the order issued by a Justice of the Court of Appeals of Santiago which gave protection to the injured parties, can only briefly be a topic of this reply at the present stage of the case, because all of those comments referred to the basic substantive issue which is subject to hearing by the Summary Judge. And this Court will concern itself with the basic question when there is a resolution--if it is resolved by this Court--of the problem of the criminal suit filed and the defenses presented.

It is possible, nevertheless, to recall to Your Excellency's memory a decision of this Court which decided at the time that the competence for hearing the subject of the charges made by the owner of the radio station lay with the Justice who is hearing the case and that the latter's action, insofar as providing protection to those affected by the referenced official's measure, was correct from the legal pint of view.

Other Special Cases. Fensa, Cristalerías Chile, SOPROLE, Metalúrgica Cerrillos, CHOLGUAN, etc.

Although the comments of the note precede the stating of these cases, it is evident that they refer thereto. It is said that "some judges, carried

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away by a solicitude and an enthusiasm not common in the interpretation of the precept under reference, have been able to extract from it a meaning and scope so excessive that the Interventors are not only prohibited from carrying out legal acts, like cashing checks, making purchases or sales, or similar activities, but they are also prohibited from physically entering the locale of the industry in which they are supposed to carry out their duties."

In the first place it is necessary to reply that the "uncommon solicitude and enthusiasm" on the part of the judges runs parallel with similar characteristics of the administration in ordering such requisitions, or of the interventors in drawing on current accounts and in selling. And if the cases are numerous, it would not be at all strange for the "enthusiasm" of the judges to be quantitatively greater than normal, because if this were not the case, the pertinent orders would be delayed. But if Your Excellency's communication refers to qualitative "enthusiasm", an adequate explanation would be the judges' need to satisfy, with justice, the complainants' petitions aimed at bringing an end to the excessive use of so-called legal technicalities as the basis for an action, as well as the excessive liberality with the complainants' financial investments in the intervented enterprises which they impute to the interventors.

The complainants seek urgent action, calling upon new juridical concepts to counteract those others, also new, adduced by the administration; and the judge gets in tune with the new juridical phase with justified intellectual and professional enthusiasm.

Opposing this negative interpretation, there would be the following, positive one.

"This highly dubious constitutional fantasy--the note refers to the preventive measures which the judges are in the habit of decreeing--leads to situations which are quite difficult and certainly prejudicial for the economy of the nation and of the enterprise itself." "There are more than thirty enterprises--Your Excellency says--affected by preventive measures."

The owners of those enterprises have brought the pertinent criminal actions to obtain the return of their properties and have discovered--this is deduced from some claim--that the fantasy whereby the administration justifies its taking over of businesses without indemnifying their owners can only be counteracted by adequate and prompt safeguarding measures, because--they add--the enterprises become highly liquid, in the hands of the interventors.

If more than thirty enterprises are affected by such measures this is because--maybe--an equal number of enterprises have been the object of so-called transfers to the social area.

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Justice, naturally, cannot prevent the owners of the referenced properties from defending them, because the Political Constitution still retains the guarantee for private property, and the other Codes have substantive and procedural precepts aimed at preserving that right.

The decisions which will be handed down will show whether the referenced transfer was carried out in accordance with the law, or in violation thereof.

But until the cases reach that stage, the Courts have decreed preventive measures, upheld or modified by the Courts of Appeals, to ensure the complainant that, once the action has been accepted--if it is accepted--the decision can be carried out in an effective manner.

As to the propriety or impropriety of the measures decreed, Your Excellency's Government should act, not by means of official communications to this Supreme Court, but rather by utilizing the pertinent submissions and recourses in the respective cases.

VII. Presumptive Denial of Justice

This paragraph of Your Excellency includes comments which relate to the customs of the country, old or new, not subject to control by justice except in those cases in which some of their violatory manifestations are formally brought before the Courts; while other comments in the paragraph refer to judicial organization.

Regarding the first, it is not up to this Court to treat them except very superficially.

Mocking or jeering at the authorities, villification of the armed forces, and the dissemination of false news are not habitual actions for the majority of our compatriots, even though their sense of humor is frequently evident in references to the most highly-placed officials of the administration. The members of this Court have also been the object of similar manifestations and of others which were unexpectedly vulgar, the latter at gatherings which Your Excellency's Government authorized to be held in front of the Court House building.

It seems natural for Your Excellency to be concerned at the blameworthy conduct of some Chileans towards the political and military authorities; but it does not seem so blameworthy that, by criticizing penal justice for its innocuousness in such matters and even attributing partiality to it, Your Excellency, on his part, should fall into the sin of villification against the administration of justice.

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As regards the dissemination of false news, this is unfortunately practiced in all spheres of the nation, and with profusion by some of the press.

According to Your Excellency, this climate constitutes a "calculated attempt to tear down our institutions, which opens the way to social dissolution."

The Court is in agreement with this; but it does not agree that in referring to the institutions the Judicial Branch should be mentioned only reticently, merely including it among the three Powers of the State without mentioning it specifically; and it even seems that because of the culpable "innocuousness", slowness, and benevolence which are attributed to it in the punishing of crimes, it is being considered as a factor in the debasement and dissolution of our institutions.

The influence on the public conscience of insults, derision and villification of authorities is evil. But this Court has the obligation to point out to Your Excellency that the action of the Judicial Branch is of a repressive nature, and that the preventive role belongs specifically to Your Excellency as regards the media for dissemination which are responsible in some way to the Government.

It has not been evident thus far that Your Excellency is using his authority and influence as President where he could and should do so to put an end to publicity excesses.

VIII. Specific Complaints Against the Administering of Justice

Your Excellency's communication also contains the following specific complaints regarding the administering of justice.

It says:

a) Justice metes out trifling penalties.

We reply: if the penalties meted out are within the law, the Courts are complying with their duty even if they do not impose maximum penalties. In any case, in the eyes of those who govern, the penalties meted out for political crimes committed by the opposition are trifling, whereas for the latter, in contrast, they seem frequently to be excessively harsh.

b) Delays in proceedings.

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This defect has a long history throughout the world. Hamlet's monologue speaks of the law's delay as one of the evils of this life which are borne with difficulty. Those evils arise in great part from the zeal with which Chilean law protects the right of defense, whereas in some foreign legislation there is expeditious justice and post mortem reinstatement.

Proceedings against the security of the State, however, may be speeded up by the Government representatives who are involved in them.

In any case, Your Excellency's policy regarding the establishing of new Courts of First and Second Instance, the result of repeated requests made by this Court, will bring some hope of relief to those litigants who are tired of waiting.

c) Benevolence Towards Terrorist Groups.

This mildness seems actually to have consisted in the conflicting criteria of the Executive and Judicial Branches as to whether what the Government has considered to be terrorist groups actually were such, or not. And, naturally, when the judicial view has not agreed with that of the requesting Branch, the accused have not been charged and were released.

It is the obligation of justice to proceed in accordance with its views and not to be inhibited by the position taken by some of those involved in the dispute.

The benevolence, however, if it ever did exist, has not always been on the part of the Courts, because the annals of the history of justice recall a sentence decreed against various terrorists whom Your Excellency pardoned with a certain degree of celerity.

The exercizing of Your Excellency's power of pardon was also benevolent in this case.

It is clear that this benevolence was political and not judicial, but it is only to the latter that Your Excellency's criticism refers in his communication to this Court.

d) Punishing of Seditionaries.

It is affirmed in Your Excellency's communication that justice presents a not very stern visage to seditionaries and refers as such to some opposition radio broadcasting stations which transmit scandalous

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insolences--it says--against the President of the Republic and other high representatives of the regime, and to some persons of violent tendencies who have been arrested and who had their own arsenals.

As the communication does not indicate the proceedings in which justice has not been severe with seditionaries, it will not be possible in this matter for this Court to give an adequate reply and to take measures, if the case so demands, with regard to the officials who may have acted with an illegal benevolence in dealing therewith.

As for the persons of violent tendencies and their arsenals, this Court has not taken cognizance, as a result of any recourse, of the proceedings followed against such presumed violent persons.

The President of the Republic must also know that the Supreme Court does not itself hear cases against the security of the State, nor any other cases. Cases are heard only when, in the course of the proceedings, through some recourse, usually that of an appeal, the pertinent hearing is requested in order to resolve the recourse.

What is in no way admissible is that Your Excellency should insinuate in his communication that the alleged excesses of the radio stations did not produce penal results against them, and that the outcome was rather that two Ministers of State were charged and that the Intendants who had given the orders to arrest the violent persons were prosecuted.

The information given to the President of the Republic does not agree with the truth. Those who informed the President knew, but they did not tell him, that the Ministers were declared defendants for having ordered the closing of the radio transmitters without having authority so to order, and not because justice believed that the conduct of these communications media constituted an offense committed by the Ministers.

As for the Intendants who were brought to trial and some police officials who were also, they were prosecuted for the crime of arbitrary arrest, which can be committed even when one arrests a real criminal if, except in the case of in flagrante delicto, the arrest is ordered or is carried out by someone who does not have the right to do so or to order it done.

e) Discriminatory Conduct of This Court.

In Your Excellency's letter it is maintained that the attitude of this Court would have been different during other administrations with which it would have cooperated through plenary decisions, and reference is made to the decisions of September 11, 1954, April 2, and July 3, 1969, and June 30, 1970.

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All of the decisions mentioned refer to recommendations to judges and processing justices to devote attention, zeal, and diligence in proceedings for crimes against the security of the State; those were decisions which are fully in force today and which, therefore, are obligatory under the present circumstances just as they were obligatory then.

The communication to which this reply is given states that the Executive Branch is unaware of a similar decision resulting from the October strike. Such a decision definitely does not exist, because the other decisions which were cited and which refer to any possible crime against the security of the State, did exist.

f) Suspension of Some Lawyers of the Central Bank.

This point was also reported erroneously to Your Excellency. Those who provided the information to him knew that the General Council of the Bar Association is independent in the exercise of its authority and could, therefore, adopt any measures which it considered appropriate.

This Court has the responsibility only of intervening in any appeal which may be made against the Council's decision to cancel a lawyer's title.

The non-involvement to which reference has just been made was the subject of a recent decision by this Court arising from the decision of the Council to suspend from professional standing some of the lawyers who work at the Central Bank.

IX. The Scale of Values of Justice

In the President's communication the "Chesque" case is dragged in because--it says--it expressively portrays the "transposition of values of justice." In that place, a group of Mapuche peasants had "seized" the rural property of that name, and the owners had decided to "retake" it. A result of the retaking was the death of one of the occupying Mapuches. The Courts--the communication adds--decided that the owners did not commit homicide because they were only defending their property, while the Mapuche peasants spent 7 or 8 months in preventive custody. All of which demonstrates--the communication states--"a manifest lack of understanding on the part of the Superior Courts of the process of transformation which the country is undergoing and which expresses the strong desires of the great ignored masses for social justice." The laws of judicial procedure--Your Excellency continues--are at the service of the interests affected by the transformations, to the detriment and harm of the institutional system and of the peaceful and normal living together of the various classes and authorities."

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There is an explanation--it says--for the seizing of a rural property; but there is no explanation for its retaking. The first responds to a strong desire for social justice, and the second has no explanation, although it is a matter of recovering what had been previously seized by the usurpers.

"There is harm--continues the communication to which this is a reply--to the institutional system and to the peaceful and normal living together of the various classes and authorities." And it seems that the harm would result from the desire of the owners to recover the seized property, from which it seems that it would not be the seizure, but rather the recovery which would produce the above-mentioned harm to the institutional system.

Does Your Excellency's communication suggest that the Courts of Justice should forget the law, ignore all principles, and in the name of a social justice without law, arbitrary, accommodating and even criminal at times, should unconditionally protect the usurpers and should similarly reject those who seek to recover the seized properties? But the latter believe that the Constitution and the laws recognize their right to recover that which they consider theirs, and they act in accord with that conviction.

It is essential to leave it clearly established at this time that this Court disputes the principles maintained in Your Excellency's communication, and it makes no statement on the "Chesque" case nor on the death which occurred during the eventual recovery, nor on the crime of usurpation which the seizure might constitute, nor on the legitimacy of the latter or the former. At the proper time, and with the case before it, this Court will decide--if it falls to it--regarding specific responsibilities in the "Chesque" case.

According to the information which was at hand for the resolving by this Court of a recourse of appeal, in this case there was not a presumptive retaking carried out by the owner, but rather a return of the latter to the property with the assistance of Caribeneers. It was only after the police power had withdrawn, and when the owner and two or three others accompanying him came out of the house on the property to go to an adjacent pasture, that a shooting incident between the usurpers and the owner's party occurred. One of the persons accompanying the owner received a bullet in the head, and this gave rise to many shots and to the death of one of the Indian usurpers.

Your Excellency's communication refers to the statements which Justices of this Court made in press and television interviews and criticizes the thesis maintained by them regarding the necessity of changing

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the laws if it is desired to change the judgment of the Courts. This matter lies within the exclusive responsibility of those who spoke, because they did so as private persons, and did not represent this Court.

Notwithstanding the foregoing, the breadth of interpretation included in Your Excellency's letter should be commented on here, because it is of a general nature. It is maintained that by using the avenue of interpretation, precepts can be adapted very broadly to the new social and political conditions of the country. But this thesis is incorrect in that it goes beyond the scope of the work of interpretation. It cannot in fact be used to cancel existing law. Changes in the law can only be effected by the Legislative Branch.

Thus, for example, referring to the action which is the responsibility of the administrative authority in providing the police power, there is no doubt that the governmental interpretations have sought to abrogate the clear precepts transcribed earlier.

X. Interviews for Personal Motives

In the communication which is the subject of this reply, reference is made to some interviews which were requested with the President of the Republic by the Chief Justice and some of the Justices of this Court, and it is said that all of them were requested for matters of a personal nature, making it seem that the members of the Court are not interested in interviews for professional purposes.

Two of the three interviews were requested for strictly protocolarian purposes, and the third was related to a veto by Your Excellency regarding the lawyers' retirement annuity which is received by some members of this Court and of the Court of Appeals.

Your Excellency forgot to mention a law, law No. 17,277, whose Article 9 establishes an agency, which includes one of the Justices of this Court as a member, the purpose of which is to regulate the relationship between the Executive Branch and the Judicial Branch and to participate in the drafting of proposed legislation concerning the Judicial Branch, as well as other matters of similar nature which should be treated at the ministerial level.

If the agency mentioned operates only occasionally, or if it operates without the representative of this Court, it is because he has been invited to participate on only two occasions, to deal with problems relating to the constructing of homes for the Judges. He has not been invited to the drafting of proposed laws, in which he should participate under the law; for this purpose it has been preferred to seek the cooperation of some official of lower rank.

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Some of the draft legislation submitted by the Executive to the Parliament, in which matters related to the organization of Justice are involved, have not been consulted with this Court in order for it to give its opinion regarding pertinent particulars, as was the custom under previous administrations. This makes it seem that the Executive Power is not interested in the cooperation of this Power of the State.

Even a draft law approved by the Parliament, which gave to members of the Judicial Branch the possibility of defending themselves against the attacks which are so profusely directed against them, without requiring approval of the Minister of Justice and only with that of the Chief Justice of this Court, was vetoed by Your Excellency and could not become an obligatory rule.

Be it noted that Justice Ortiz concurs only the exclusively legal arguments of this reply and their pertinent factual bases.

God save Your Excellency.

(Signed): Enrique Urrutia M., Chief Justice; Eduardo Varas V.; José M. Eyzaguirre E., Eduardo Ortiz S., Israel Borquez M., Rafael Retamal L., Luis Maldonado B., Juan Pomes G., Octavio Ramirez M., Armando Silva H., Víctor M. Rivas del C., Enrique Correa L., José Arancibia S., René Pica Urrutia, Secretary.

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IX. SERIOUS BREAK-DOWN OF THE CONSTITUTIONAL AND LEGAL ORDER OF THE REPUBLIC

(Resolution of the Chamber of Deputies, August 22, 1973).

Whereas:

First: It is an essential condition for the existence of a State of Law that the Public Powers, with full respect for the principle of reciprocal independence which governs them, should adjust their activities and exercise their powers within the framework provided by the Constitution and the laws, and that all of the inhabitants of the country should enjoy the fundamental guarantees and rights which the Political Constitution of the State ensures for them.

Second: The legality of the Chilean State is a patrimony of the people, who over the years have been molding into it the fundamental consensus under which they live together. To seek to violate it, then, is to destroy not only the cultural and moral inheritance of our nation, but also to deny, in practice, any possibility of democratic life.

Third: It is these values and principles which are stated in the Political Constitution of the State, which points out in Article 2 that sovereignty is rested intrinsically in the nation and the authorities cannot exercise powers beyond those which it delegates to them, and in Article 3, which makes it clear that a Government which arrogates to itself powers which the people have not delegated to it, is guilty of sedition.

Fourth: The current President of the Republic was elected by the Joint Congress after agreeing to a Statute of Democratic Guarantees which was incorporated into the Political Constitution; the specific objective of this agreement was to ensure that the actions of his Government would be guided by the principles and standards of the State of Law, which he solemnly committed himself to respect.

Fifth: It is a fact that the present Government of the Republic, since its beginnings, has set out to achieve total power, with the evident purpose of subjecting everyone to the strictest economic and political control by the State, and to achieve thereby the establishing of a totalitarian system absolutely contrary to the system of representative democracy which the Constitution establishes.

Sixth: In order to achieve this aim, the Government has not committed isolated violations of the Constitution and the laws, but rather has made of such violations a permanent system of conduct, reaching the

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extreme of systematically rejecting and violating the powers of the other Branches of the State, of habitually violating the guarantees which the Constitution ensures to all inhabitants of the Republic, and of permitting and protecting the establishing of illegitimate parallel powers, which constitute a very serious danger for the nation; with all of which it has destroyed essential elements of the institutional system and of the State of Law.

Seventh: As regards the powers of the National Congress, repository of the Legislative Power, the Government has committed the following violations:

a) It has usurped the principal function of the Congress, which is to legislate, by adopting a series of measures which are very important for the economic and social life of the country, and thus are indisputably the subject matter for laws, by means of "matters of urgency" decrees issued in abuse of authority, or by simple administrative decrees based on "legal technicalities"; it is noteworthy that all of this has been done with the deliberate and admitted intention of altering the structures of the country, which are recognized by the legislation in force, solely by the will of the Executive and absolutely ignoring the will of the legislator;

b) It has continually evaded the supervisory and review functions of the National Congress, by eliminating any real effectiveness of the power granted to the latter to remove those Ministers of State who violate the Constitution or the Laws, or commit other crimes or abuses which are indicated in the Constitution;

c) And--what has the most extraordinary seriousness--it has completely nullified the high function which the Congress has as a Constitutional Power, by refusing to promulgate the constitutional reform on the three areas of the economy, which has been approved in strict accordance with the standards which the Constitution establishes for that purpose.

Eighth: As regards the Judicial Branch, it has committed the following excesses:

a) With the intention of undermining the authority of the magistracy and of subjugating its independence, it has directed an infamous campaign of insults and calumnies against the Honorable Supreme Court and has supported serious outrages in fact against the persons and powers of the judges;

b) It has evaded the action of justice in the cases of criminals who belonged to parties or groups which were members of or closely related to the Government, either through the excessive use of pardons or through deliberate non-compliance with arrest warrants;

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c) Violating explicit laws and completely negating the principles of the separation of Powers, it has left unexecuted judicial decisions or decrees which were contrary to his designs; and, as regards the denunciations thereof, which the Honorable Supreme Court has made, the President of the Republic has gone to the incredible extreme of arrogating to himself, as a principle, the right to make a "judgment of the merits" of judicial decisions and of determining when the latter should be complied with.

Ninth: As regards the Office of the Controller General of the Republic--an autonomous agency essential for the maintaining of administrative legality--the Government has systematically violated those decisions and actions aimed at showing the illegality of the actions of the Executive or of agencies which are responsible to it.

Tenth: Among the constant violations committed by the Government against the fundamental guarantees and rights established in the Constitution, the following can be underlined:

a) It has violated the principle of equality before the law: by sectarian and odious discrimination in the protection which the authorities should provide to the persons, the rights, and the property of all of the inhabitants of the Republic, in the process of exercising its authority regarding food and subsistence, and in many other aspects--it being noteworthy that the President of the Republic, himself, has built up these discriminations into a basic standard of his Government by proclaiming from the beginning that he does not consider himself President of all Chileans;

b) It has seriously violated the freedom of expression: by using all sorts of economic pressures against communications media which are not unconditional supporters of the Government; by illegally closing newspapers and radio stations; by imposing illegal "networks" on the latter; by unconstitutionally incarcerating opposition newspapermen; by resorting to cunning maneuvers to acquire the monopoly of newsprint; and by openly violating the legal provisions by which the National Television Channel should be governed, through turning its over-all direction over to an official who was not appointed with the consent of the Senate, as the law requires, and by converting the channel into an instrument for sectarian propaganda and the defamation of political adversaries;

c) It has violated the principle of university autonomy and the right which the Constitution gives the Universities to establish and maintain television stations: by protecting the usurpation of Channel 9 of the University of Chile; by illegally acting, through violence and illegal detentions, against the new Channel 6 of that University; and by hampering the extending of the Channel of the Catholic University of Chile to the provinces;

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d) It has disturbed, impeded, and, at times, repressed with violence the exercise of the right of assembly by citizens who are not followers of the regime, while constantly permitting other groups, often armed, to meet without being subject to the pertinent regulations and to take possession of streets and roads in order to intimidate the people;

e) Through the so-called Decree for Democratizing Teaching, it has violated freedom of teaching by illegally and surreptitiously putting into effect an educational plan which has as its purpose the building of Marxist consciousness;

f) It has systematically violated the constitutional guarantee of the right to own property: by permitting and protecting more than 1,500 illegal "take-overs" of agricultural properties; and by promoting hundreds of "take-overs" of industrial and commercial establishments in order subsequently to requisition or intervene them illegally and thus establish, through plunder, the state area of the economy--a system which has been one of the determining causes of the exceptional decrease in production, of shortages in supply, the black market, and the asphyxiating rise in the cost of living, of the ruining of the national treasury and, in general, of the economic crisis which is scourging the country and which threatens the minimum well-being of homes and seriously compromises national security;

g) It has committed frequent illegal arrests for political motives, over and above those arrests of newspapermen already mentioned, and has tolerated that the victims should be subjected in many cases to whippings and tortures;

h) It has disregarded the rights of the workers and of their union or trade organizations, subjecting them, as in the case of El Teniente or of the transport workers, to illegal measures of repression:

i) It has broken commitments entered into to have justice done to workers unjustly persecuted, like those of Sumar, Helvetia, the Central Bank, El Teniente, and Chuquicamata; it has followed an arbitrary policy of turning over state land properties to the peasants, specifically violating the Law of Agrarian Reform; it has denied the true participation of workers under the constitutional reform which gave them that right; it has prompted the end of union freedom through political parallelism in worker organizations;

j) It has seriously infringed on the constitutional guarantee which permits persons to leave the country, establishing for such departures requirements which are not contemplated by any law.

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Eleventh: A powerful contribution to the break-down of the State of Law is the establishing and maintaining, under the stimulus and protection of the Government, of a series of agencies which are seditious because they exercise an authority which neither the Constitution nor the laws gives to them, in manifest violation of the provisions of Article 10, number 16, of the Constitution, for example, agencies like the communal headquarters, the peasant councils, the vigilance committees, the JAP, etc., all aimed at establishing the evil called "Power of the People", which is to replace the legitimately constituted powers and to serve as a basis for a totalitarian dictatorship; these are facts which have been publicly admitted by the President of the Republic in his last Presidential Message as well as by all of the official and semi-official theoreticians and communications media.

Twelfth: In the break-down of the State of Law special seriousness is attached to the formation and development, under the protection of the Government, of armed groups which, in addition to acting against the security of persons and of their rights and against the domestic peace of the nation, are headed towards a confrontation with the Armed Forces; similar special seriousness is attached to preventing the Corps of Carabineers from carrying out its highly important duties in the case of criminal riots perpetrated by groups of violent persons aligned with the Government. Because of their grave seriousness, the public and notorious attempts to utilize the Armed Forces and the Corps of Carabineers for partisan purposes, to break-down their institutional hierarchy, and to infiltrate their troops politically, cannot be ignored.

Thirteenth: When the present Ministry was established, with participation of high-ranking members of the Armed Forces and of the Corps of Carabineers, the President of the Republic gave it the name of "National security", and gave as its fundamental duties "to impose political order" and "to impose economic order", which is conceivable only on the basis of the complete reestablishing and maintaining in force of the constitutional and legal norms which make up the institutional order of the Republic.

Fourteenth: The Armed Forces and the Corps of Carabineers, because of their very nature, are and should be a guarantee for all Chileans and not just for one sector of the nation or for one political combination. Consequently, their presence in the Government cannot be used as an endorsement by them of any given partisan and minority policy, but rather should be directed towards reestablishing the conditions of living together democratically under the full rule of the Constitution and the laws, conditions which are indispensable in order to guarantee for Chile its institutional stability, civil peace, security, and development.

The Honorable Chamber of Deputies, exercising the powers conferred upon it by Article 39 of the Political Constitution of the State, resolves:

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FIRST: To make known to the President of the Republic and to the Ministers of State who are members of the Armed Forces and of the Corps of Carabineers, the serious break-down of the legal and constitutional order of the Republic which is involved in the facts and circumstances referred to in the above fifth to the twelfth preambulary clauses.

SECOND: Similarly to make known to them that, with reference to their functions, to the oath they gave of loyalty to the Constitution and the laws, and, in the case of the aforesaid Ministers, to the nature of the institutions of which they are high-ranking members and whose name has been involved to include them in the Ministry, it is their duty to put an immediate end to all of the situations of fact under reference which violate the Constitution and the laws, in order for governmental action to be channeled along the paths of law and to ensure the constitutional order of our nation and the essential bases for Chileans to live together democratically.

THIRD: To state that, should this be done, the presence of those Ministers in the Government would constitute a valuable service to the Republic. Should this not be the case, the national and professional character of the Armed Forces and the Corps of Carabineers would be seriously compromised by open violation of the provisions of Article 22 of the Political Constitution, with serious deterioration of the prestige of their institutions, and

FOURTH: To transmit this resolution to the President of the Republic and to the Ministers of Treasury, National Defense, Public Works and Transportation, and Lands and Colonization.

X. APPLICABILITY OF NUMBERED SECTION 4 OF ARTICLE 43 OF THE POLITICAL CONSTITUTION OF THE STATE

(Report of the Bar Association, August 29, 1973)

The General Council of the Bar Association, having received the petition formulated by various member groups and by the Provincial Councils soliciting that the National Congress be requested, in the exercise of the privative power granted to it by paragraph 4 of Article 43 of the Political Constitution of the State, to declare in accordance with the principles which orient our juridical order, that the disability which debars the President of the Republic from the exercise of his functions is of such a nature as to require the holding of a new election, the General Council of the Bar Association decided to study that subject, and the fruit of said study is the following report:

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Article 60 of the Political Constitution of the State establishes that "a citizen with the title of President of the Republic administers the State and is the Supreme Chief of the Nation."

In turn, Article 70 prescribes that "The President-elect, when he assumes office and in the presence of both branches of the Congress, shall swear or promise, before the President of the Senate, to carry out faithfully the duty of President of the Republic, to preserve the integrity and independence of the Nation, and to observe and enforce the Constitution and the laws."

Further, Article 71 of the same Constitution states: "The administration and government of the State is entrusted to the President of the Republic; and his authority extends to all matters which have as their purpose the preserving of public order domestically, and the foreign security of the Republic, in accordance with the Constitution and the laws."

The President of the Republic, as is stated unequivocally in Article 2 of the Constitution, is a delegate or mandatory of the Nation, which is the repository of the essence of Sovereignty. Similarly, the functions entrusted to him by the above-mentioned and the other pertinent rules of the Constitution and the laws basically impose duties on him. This leads to the inescapable conclusion that the powers which the legal system grants to the President of the Republic are means placed at his disposal for the more efficient fulfilling of his duties; but in no way do they constitute authority to ignore or abuse the rights of the citizens or to evade subordinating his acts to the Constitution and the laws which he has sworn or promised to preserve.

A comparison of the duties for which the President is responsible with his actions in that office results in an evident contradiction, as has been made a matter of record by the Chamber of Deputies in its draft resolution approved during its session on the 22nd of this month, which records the manner in which the President of the Republic has ignored the Constitutional prerogatives of the National Congress, of the Judicial Branch, and of the Office of the Controller General of the Republic, as well as the manner in which he has violated, among others, the constitutional guarantees provided in numbered sections 1, 3, 4, 7, 10, 14 and 15 of Article 10 of the Constitution and in Article 13 of that same Fundamental Charter.

This illegal and unconstitutional action by the President can be the result of one of two possible causes. The President, voluntarily and consciously and for unconfessed purposes, has set out to violate systematically the fundamental bases of our institutional system, or else His Excellency Mr. Allende finds himself unable to adjust his conduct to those rules which are imposed on him by the duties inherent to his office.

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It is these alternatives which should be elucidated, comparing the postulates of the government with the system now in force, and also comparing the views and intentions of the President with the actions of his government.

The dynamics of marxist theory (division of society into exploiters and exploited, class struggle, violent imposition of the power of the working class represented by specific parties) lead logically to the destruction of the institutional system which that theory calls "burgeois" and its replacement by another which would be socialist. Although the President of the Republic has consistently and publicly declared himself to be a follower of Marxism-Leninism, he has also maintained that his tenure in the supreme command of Chile would mean "a transition to socialism" based on respect for the present institutional system; but he has--similarly--taken care to foresee the danger of disintegration or destruction which the carrying out of his program could represent to that same institutional system.

"The great question which the revolutionary process has raised, and which will determine the future of Chile--he said in his Message to the National Congress in 1972--is whether the present institutional system can open the way for the transition to socialism...Only if the apparatus of the State can yield to the social forces of the people, will the institutional system have sufficient flexibility to tolerate and encourage the structural changes without disintegrating."

"Our legal system--he also said in his Message of 1971--should be modified. Hence the great responsibility of the Congress at the present time: to help prevent the blocking of the transformation of our juridical system. It is in great measure on the realism of the Congress that the possibility depends for the capitalist legal system to be succeeded by the socialist legal system, in accordance with the socio-economic transformations which we are introducing, without having a violent fracture of the legal system open the doors to arbitrary and excessive actions which we, responsibly, wish to avoid."

Now then, the reality which our country is living at this hour seems to demonstrate that the dilemma raised by the President of the Republic is being resolved to the detriment of the institutional system. In fact, the inference from what he expressed so clearly is that: either the Congress and in general the apparatus of the State should yield to the social forces of the people and then he will carry out his program completely; or else this institutional submission does not take place, the program would then not be wholly fulfilled, and the violent rupture would occur. Certainly the free play of the institutions which the Chilean community has established for itself--as opposed to the unilateral imposition of only one of its organs--presumes the continuing in force of majorities and minorities,

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implies the existence of a Legislative Branch of which the President is only a part, and of a Judicial Branch which should apply the rules which are in force as long as they are not repealed and should require compliance with its orders, and requires an Executive and Administrative Branch operating in accordance with the Constitution and the laws. The assumption of office, itself, by the President of the Republic shows--if some demonstration were necessary--how the Chilean institutional system should normally operate, a system which he swore to respect. It is obvious that if there is not a majority in favor thereof, the transition to socialism, as regards the institutional system, must be realistic, that is, it must be carried out in accordance with the instruments which the institutional system itself makes available for its own transformation, unless it is desired to hasten the transition, to hurdle the barriers of the Constitution and the law; but the President of the Republic has said that this is not what he desires.

Objectively, nevertheless, by inference from his actions and from statements of his intentions in very significant areas, it can be established that, without entering into an open conflict with the institutional system now in force, the President of the Republic would seem to be prevented from exercising his functions as he understands them. In this regard, mention has already been made of the representations which have properly been made to him; however, from the point of view of our present analysis, three basic aspects can be emphasized:

1— The highest authority of the Judicial Branch, the Supreme Court of Justice, makes known to him that judicial orders are not complied with, whereby the legal framework is broken (and, let it be said in passing, the practice of law, which it is this Association's responsibility to defend, becomes impossible), and then the President of the Republic, rather than ordering such compliance without any further ado, maintains publicly that he reserves the right to evaluate judicial decisions, and this without even trying to initiate a process of constitutional reform for that purpose.

2.— The Chamber of Deputies, using its exclusive and express constitutional authority, calls to his attention a number of actions by the government or the administration, and then the President of the Republic replies that the Chamber is trying to convert itself into a parallel power.

3. — The Office of the Controller General of the Republic, which is the constitutional agency established for the fiscal review of administrative acts, contests certain decrees and points out to him the fact that they are being executed despite its objection and without resort having been made to the procedure of insistence, and then the President of the Republic maintains that he can do this in his position as the administrator of the State (let it be noted that there is no allusion here to the prodigality with which decrees have come to be issued under the procedure of insistence).

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That is to say, what the facts would seem to be demonstrating is that, confronted by the contradiction between the institutional system in force and his intentions as Chief Executive, the President of the Republic believes that his actions can be even more legitimate than the present institutions, through the unilateral interpretation of the actions of his government, issued by the latter, rather than adjusting the institutions to conform to his purposes through suitable reforms. And, unless it could be shown--contrary to fact--that the serious deterioration of the institutions validly and legitimately in force required the President of the Republic to carry out his purposes and desires in their entirety, a real disability for the normal exercise of his functions would seem to be taking form.

And, in truth, it is not a question of attributing evil intent to the President of the Republic, but rather of facing up to the fact that there appears to be incompatibility between the institutional framework within which he should adjust his activities and the actions which he finds himself obliged to perform within the scheme of programs of his government.

In addition, the actions of the Government demonstrate an open contradiction with the views expressed by the President. Whereas His Excellency, Mr. Allende, points out with precision the policy which is to be followed, even establishing the manner in which it should be implemented, the actions of the government are in open conflict with those presidential statements, making it clear that the Supreme Head of the Nation finds it impossible to carry out his intentions as Chief Executive.

Thus, as an example, on May 21, 1972, the President, in referring to the need to specify clearly the Area of Social Property, pointed out emphatically that in order to delimit it a list had been made public of the names of the enterprises which would comprise it, stating in his Message read to the Joint Congress, that:

"The Social Area now combines the forty-three enterprises which were state-owned before November 4, 1970, with an additional fifty-five which have been included by decision of the Government. Another eighty-three are under temporary public control as a consequence of legal violations which led to their being intervened or requisitioned.

"To complete and delimit the Area of Social Property, we have made public a list of the names of the enterprises which should comprise it. Agreements have been drawn up for the transfer of fourteen of them to public ownership, and conversations are in progress regarding another twenty. Similarly, considerable progress has been made to bring an end to the monopoly of the wholesale trade."

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On that same occasion, the President requested the agreement of all citizens so that, in a common effort, it would be possible to overcome the historic challenge which faced the country, giving for this a guarantee of respect, support, and protection to small industry, making it of record that:

"We guarantee that there is not now nor will there be any threat to the merchants, artisans, small industrialists and miners, small independent businessmen, because we consider the extraordinary importance of thousands of family businesses in the private sector to be an area of production of essential goods and services which provides employment to a much greater number of persons than do the large monopolistic enterprises.

"Hence our encouraging of independence in the managing of their activities. Hence, also, the technical and financial assistance to broaden their capacity to absorb labor, to raise the standard of living of the workers, and their ability to satisfy the requirements of those who consume their products."

The absolute inability of the President to carry out that government plan has been made manifest by the 325 decrees of requisition and intervention of medium and small productive activities, published in the Official Gazette, some of which include two or more industries.

According to the criterion of the Government, all of the enterprises have passed over and have become part of the Area of Social Property, which, according to the intention of the President, was to be made up only of the enterprises included in the "listing by name" mentioned in his Message of May 21, 1972.

Nor has the President been able to fulfill the guarantee which he gave, in that Message, to the merchants, small industrialists and miners; and for this same reason he has been unable to arouse the efforts of all Chileans to contribute positively to the more rapid realization of the great national enterprise in which we are embarked. (1972 Message).

The impediments which the President has encountered in making a reality of his intentions as Chief Executive are also evident in other, varied ways:

"The Government--as he stated in the 1972 Message--assures employment stability to the technicians, professionals, employees, and workers in the public sector. Their possibilities for personal promotion, through their own merits and efforts, will tend only to increase to the extent that national ownership grows and becomes more widespead."

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With what bitterness have the workers fired from Sumar, the technicians of Chuquicamata, El Teniente, and so many other enterprises which make up the so-called Area of Social Property seen as a fact the President's inability to carry out his intentions.

The miners of El Teniente must have been no less amazed when, as victims of a repression which has no precedents in the annals of history, they recalled that: "Throughout its history, our society accumulated contradictions of such magnitude that often--in the past and at present--the basic concepts of social order and its juridical expressions were questioned by the emerging social groups. The response of the dominant sector was, often, the unleashing of the repressive potential of the State.

"Our response is not, nor can it be, the same. We have used persuasion and appeals to the conscience of the workers, rejecting the repressive expedients." (1972 Message).

Another problem the President has had in seeking to make his plan of government a reality is of great importance in the sense that: "In the enterprises included in the social and the joint areas, the mechanisms of participation agreed upon by the Government and the C. U. T. after having been discussed for various months in the rank-and file labor unions have begun to function"--1972 Message--whereas the reality which has overridden the presidential intention has been the fact of industrial cordons, autonomous self-driven entities belonging to the Government and to the bases of its support, in which it would seem that only anarchy reigns, with a constant, progressive, and catastrophic decrease in production.

"The Government does not approve of usurpation and believes that this is a question of desperate and improper method of expressing the aspirations of the peasants for land", the President states in his note of June 12, 1973, addressed to the Honorable Supreme Court of Justice; but once again His Excellency, the President of the Republic, is prevented from transforming his thought into reality, and sees his personal disapproval of usurpation ignored by the actions of his Government.

Contradictions like those indicated arise on all sides from the analysis of the documents of statements of the President, and they reveal the conflict which exists between the clear views of the citizen President of the Republic and the actions of his Government, which make absolutely impossible the realization of the aspirations of Mr. Salvador Allende.

We should discard out of hand the possibility that such disagreement is the product of a willful and conscious action, both because of the respect

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we owe to the high investiture of the President and to him as a person, and because the President, himself, has perhaps hit upon the specific cause of the disability which denies him his prerogative of being the Supreme Head of the Nation, when he says:

"Among the political forces which support the Government, there remain inadequate or erroneous methods and practices which are a negative force in the revolutionary process.

It is necessary to be fully aware that the success of the enterprise on which we have embarked depends, in great measure, on the ability of the popular movement and of each of its men, not only to admit honestly to errors, but also to correct them in everyday activities.

In the first place, it is not possible to accept the idea that the views of the political forces which support us, which differ only in purely tactical aspects, could come to be obstacles in the path on which we have set out towards the carrying out of our Program in its entirety.

Differences of this sort, which are always mastered at the higher levels of management, sometimes crop up in the administrative or economic agencies, or among the rank and file of the labor union and political movement. It is the inescapable duty of each and every one of the parties and movements which make up the Government to continue their efforts --day after day--to eliminate such divergencies within the framework of ideological pluralism." (1972 Message).

It has thus come about that the purpose of plan of the Government is in conflict with the complex of systems now in force, in terms which make its implementation impossible within the institutional framework. Similarly, it has been made evident that the President is unable to carry into practice his views as a Chief Executive who seeks to conciliate respect for the Constitution and the laws with the transition to socialism.

In the judgment of the Bar Association, these circumstances create disabilities which make it difficult for the President of the Republic to carry out his duties in the terms of and with the prerogative and the dignity with which the Political Constitution of the State confers this office on him.

However, this General Council is well aware that only the Congress is able to resolve whether those disabilities are of the sort called for by

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the provisions of paragraph No. 4 of Article 43 of the Constitution, not only because this involves an exclusive power of the Congress, but also because another mass of evidence exists which only the Parliament can evaluate.

XI. STUDY OF A DECLARATION BY THE NATIONAL CONGRESS THAT THE PRESIDENT OF THE REPUBLIC IS NOT COMPETENT

(Report of professors of constitutional law, September 7, 1973)

An institution within our Political Constitution of the State which is seldom applied and less known and studied is one specified as an exclusive power of the National Congress in paragraph No. 4 of Article 43, which states word-for-word: Exclusive attributes of Congress are: 4) To Declare, when there may be occasion for doubts, whether the disability which debars the President from the exercise of his functions is of such a nature that a new election should be held."

Before entering fully into reporting on the meaning which we give to the precept under study, we believe it prudent to make some general and doctrinaire statements which will illuminate the thought processes more clearly in order to bring out the true meaning of the Article.

Our system of Government, as is expressly stated in Article 1 of our Political Constitution, is that of a representative and democratic Republic. Applying elemental and brief concepts and definitions to each one of these expressions of the language of Political Science, we can explain it as follows, in the same order stated: It is a Republican Government, since the head of the Executive Branch, called the President of the Republic, is a person elected to this post by the people; his authority is temporary, and he is responsible for his conduct as a governor; in other words, he has political responsibility. The Government is democratic, since its birth arises from the will of the whole people. But, instead of exercising the Political Power directly, the people delegate its exercise to certain authorities, which also characterizes the concept of being Representative, which is the antithesis of direct democracy. Finally, within the foregoing analysis, our State is one of Law. This carries with it various characteristics which separate it diametrically from the Totalitarian State. Thus, there is a legal order antecedent in time and in hierarchy to the authorities for the fulfilling of their mission, but it is above them in that it specifies their powers and punishes their

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excesses or omissions; neither by arbitrary interpretation of its rules, nor by their use as instruments, can they be made to serve purposes which are at variance with the concept of the Common Good. Within the Law there is a hierarchy of norms in which lesser rules are subordinate to higher ones whose apex is the Political Constitution of the State, which organizes the latter juridically and, in general, recognizes the rights of the people--rights which antedate and are superior to the State itself, which is an entity at the service of the people and not vice-versa. One can cite the expression of these concepts throughout our juridical system. Thus, for example, Constitutional Supremacy takes precautions by establishing prohibitions against the decreeing of rules contrary to these concepts, making recourses available and establishing Courts to take cognizance thereof, in order to prevent their becoming part of the law or their application should they have come into existence defectively. The Constitutional Tribunal; the Study Commissions of the Legislative Chambers; the Courts themselves: the Tribunals of Justice in general, and the Supreme Court in particular; are examples of the foregoing. In the same way, the Constitution itself requires certain high-ranking officials to take an oath or make a promise to comply with it before assuming their offices. Other precepts establish special juridical definitions for violation of the Constitution, which can signify serious punishment for those who commit them. Another important and indispensable expression is the existence of a separation of the Organs of Power which are assigned different functions in a harmonious fashion, in order to make it possible for Society to act rationally, with expert and specialized guidance, as it progresses towards its goals. Thus, Power is not concentrated excessively in one Organ, and coordination, cooperation, and logical understanding are established among them, as well as processes of supervision, control, and review in order to protect the Constitution, the freedom of the inhabitants, and the successful guidance of the Body Politic. In particular, because of the nature of its functions, it is imperative that the jurisdictional function should be exercised by a Judicial branch which is truly and in fact independent of the other Organs in the carrying out of its functions. As the crowning element of this structure, the Constitution itself provides penalties for any authority which seeks to exercise powers greater than those granted to it in fact, classifying them as null, under the doctrine known as the nullity of Public Law, which our Constitution includes in its Article 4. The idea is implicit, but we believe it desirable to make it explicit, that the Law must have an element which will give it dominion, in order to ensure its compliance or to reestablish it should it be broken, and this element is Force. Call it the police power, the armed force, or anything else, it is an element of Law and therefore an element of the State, and is at its exclusive service in order to ensure the continuing in force of the Law. The righteousness of its conduct, then, is a guarantee of the existence of the State of Law.

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In our view, the following are direct, clear, and indispensable consequences deduced naturally from the foregoing statements and arguments:

1. The Political Constitution of the State sits above any other positive and temporary legal rule; it must be respected by all of the authorities and subjects of the State; and it is not to be tolerated that anyone or anything should violate it without the consequent punishment being meted out and the Constitution being restored to its full effectiveness.

2. Within the State, the people are Sovereign, holding the Political Power, and they only delegate the exercising thereof to certain and specific temporal authorities, which are limited in their functions and responsible for their actions.

3. The authorities are such only by mandate of the Sovereign People and continue in office as long as they respect the will of the latter, within the legitimately established juridical framework.

4. The President of the Republic, in particular, and all of those to whom the exercise of sovereignty has been delegated, in general, are responsible for their actions, but the former is also responsible politically.

5. The Organs of the State should work together in complying with the will of the Body Politic; in this regard, in addition to carrying out their own duties, they can and should require the same of the other Organs.

6. The Force should be at the service of the Law and thus of the State itself, and not at the service of one or more authorities who depart from the Law.

Having dealt with these prior considerations which we believe are the minimum prerequisites for understanding it better, we embark on the analysis of paragraph No. 4 of Article 43 of our Political Constitution of the State.

In order to understand a precept, there are various rules of interpretation, which in our legislation are found in Articles 19 to 24 of the Civil Code, inclusive. Even though the sense is clear, attention must be paid to the literal meaning. If the sense is obscure, recourse can be sought in the intent, which may well be evident in the statement itself or in its history. The technical definitions, the legal definitions, the context of the law, the general spirit of the legislation, and natural equity are other factors to which juridical exegesis should pay attention.

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The article under discussion begins by stating that what is involved is "an exclusive power of the National Congress". This specifies for us which is the authority capable of agreeing to or making this statement. It is the National Congress, exclusively: Senate and Chamber of Deputies, in separate sessions and without the intervention of any other Organ, authority, or person foreign to them, and not subject to review, claim, or subsequent recourse. (Articles 24, 43, and 4 of the Constitution). The participation of the Constitutional Court or the Supreme Court is improper, by virtue of Articles 78 b), 86, and 4 of the Constitution.

Next, paragraph No. 4 of this Article specifies this authority in the following terms: "To declare, when there may be occasion for doubts, whether the disability which debars the President from the exercise of his functions is of such a nature that a new election should be held." The literal meaning tells us the following:

a) It refers to the President of the Republic; b) This person must be affected by some disability, that is, some obstacle, inability, incompetence, ineptitude, deprivation, etc.; c) This disability should prevent him from the exercise of his functions at the present time, not a possible or future time; d) The nature of the disability is not defined by the text, leaving it therefore up to the judgment of the National Congress to evaluate it as to its existence and its nature, clearing up any doubts which there might be in this regard; e) The declaration or decision adopted by the Congress should reach a conclusion as to whether a new election should be called, or not, depending on whether the disability prevents the President from the exercise of his functions or not.

As can be seen, there is in this precept a clear meaning in its literal text, which makes it unnecessary to consult its spirit and history. But there are also unclear passages or words, which we have so identified in each and every case, which require consulting the spirit thereof. All of this should be performed with the rules of analysis indicated just above.

a) That the precept refers to the President is beyond comment, its literal statement is precise. Let us recall that our Government is a Republic and that our State is one of Law. The Head of State and Head of Government—at the same time—is elected by the people for a specified time; he is politically responsible; he must act within the limitations of his attributes; he must respect the Law, and in particular the Political Constitution of the State; he must lead the Society towards the achieving of its own aims, in cooperation with the other authorities of the State; and he is subject to being watched over by other Organs and to the rigor of the Law. (Articles 1, 60 to 66, 68, 39 No. 1 letter a), 42 No. 1, 4, and others).

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As the person to whom the exercise of Sovereignty has been delegated, he must apply, interpret, and lead the Ideal of the Rights of the People, within the legitimately established juridical molds. He has very broad powers of administration and government under the Constitution and the laws. He must make an oath or promise to carry out his office faithfully, to preserve the integrity and independence of the Nation, and to protect and enforce the Constitution and the laws. (Articles 2, 4, 71, and 70 of the Constitution, among others).

b) He must be affected by some disability. This term requires explanation. The following are synonymous terms, for example: obstacle, inability, incompetence, privation. In summary, there must be some factor, foreign to his will or not, which does not permit him to fulfill the mission which the sovereign people entrusted to him, or which is of such a serious nature that he cannot overcome it.

c) The disability must exist prior to the declaration which the National Congress may make. The article uses the verb in the present tense "debars", not in a future or potential sense. This deprivation refers to the exercise of his functions, which, as is stated in Article 71, extend to everything which has as its purpose the preserving of domestic public order and the foreign security of the Republic, in accordance with the Constitution and the laws. The President might, then, be physically exercising the office or not, but the disability must have prevented him —before the declaration by the Congress, we repeat—from the constitutional and legal exercise of his functions.

d) Tha nature of the disability is not defined by the Constitution. Here the literal text is not sufficient by itself. We must resort to the spirit of the provision and to the other rules of legal interpretation. There is nothing which shows that this disability may only be physical or material, or intellectual or moral, so the interpretation is unable to distinguish among these. It must be measured by its effects, which must have brought him to being prevented from exercising his office constitutionally and legally. He must be unable to exercise it. Even more, it must be absolute (categorical, unlimited, definitive, incisive), in accordance with the distinction made in Article 66 of the Constitution. The first paragraph of this Article makes reference to situations in which the President may transitorily or temporarily not be able to exercise his office, in which cases a substitution operates, again temporarily; the second paragraph of this Article refers to "in case of death, declaration of cause for resignation, or some other kind of absolute impossibility...," cases in which a new election must be called. Those cases of absolute impossibility exactly fit the precept which we are studying.

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Incompetence or inability is not a peculiar term in our Constitution which is applied only to the President of the Republic. Article 31 includes supervening incompetence applicable to Deputies and Senators. For the President-Elect, Article 69 is applied. Public employees may be fired by the President for "incompetence or other causes...", with the approval of the Senate, if they are heads of bureaus or high-ranking officials, and with the report of the respective authority if they are subordinate employees, in accordance with Article 72, No. 8. For Ministers of State their supervening incompetence is provided for and the resolving thereof is entrusted to the Constitutional Court under Article 78 b), letter d). The Ministers of the Constitutional Court, themselves, if they are not Justices of the Supreme Court, may be removed by the Agreement of the Senate to a proposal made by the President of the Republic, without the Constitution specifying the reasons therefor. (Article 78 a), paragraph 5). Judges also may be removed—or dismissed—as indicated in Article 85 of the Constitution, for not having maintained "good behavior", as well as for other causes which constitute specific offenses. Governors may be removed by the Intendants, with the approval of the President of the Republic (Article 90, final paragraph). Subdelegates may be removed by the Governor (Article 91). Inspectors may be removed by the Subdelegates (Article 92). The Mayors named by the President of the Republic may be removed by him, with the approval of the respective Provincial Assembly (Article 101, paragraph 3).

From the foregoing enumeration, it can be concluded that all—or almost all—of the persons to whom the exercise of sovereignty has been delegated can be dismissed, disqualified, or removed by other authorities for broad and discretionary causes. Further, and this is obvious, all of them can lose their functions by committing acts which are specific reasons for the termination thereof.

It should be asked whether in a State of Law the President of the Republic can be exempt from the risk of dismissal or disqualification when his remaining in office is not in accord with the interests of the Republic, and not just when he commits one or more specific acts punishable under the laws and which carry with them also the loss of his function.

It is noted that the reasons for which an official can lose his post can be classified into two large groups: 1) The first would be for incompetence, dismissal, removal, which implies only the loss of his post, without a penalty being added thereto; this occurs, in general, because of lack of ability, distrust of the individual, disadvantages for the interests of the Society, or other motives which are not expressed and which are therefore left up to the good judgment and prudence of whoever has the authority to take such action. 2) For committing

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specific acts, which generally constitute offenses calling for a penalty and for which, as an additional consequence, they lose the post they held. The most eloquent cases of this sort are those of officials subject to accusation by the Chamber of Deputies before the Senate, who are accused of committing one of the specified acts; if they are found guilty, they are dismissed from their posts and are subject to being judged under the law. (Articles 39, No. 1, and 42, No. 1). Those officials are: The President of the Republic, Generals or Admirals of the Armed Forces, Intendants, and Governors. Judges may also be brought to trial and punished, and in addition lose their posts as indicated in Articles 72, No. 4, and 84 of the Constitution and Articles 332, 335 of the Organic Code of the Courts.

In the first group of cases, there is only the loss of the post, whereas in the second there is a penal sanction and, in addition, the loss of the post. They are, then, clearly different and should not be confused.

In accordance with what has been said, the disability which debars the President of the Republic from the exercise of his functions should fall in the first group of reasons which lead to the loss of one's post. There will not, then, be a penalty; there will only be a declaration, a substantiation, a verification of a preexisting fact, which has of itself produced the inability, the incapacity, the disability for exercising the office. It will not be necessary to impute to him a charge or an offense; he will not be subjected to any trial; his honesty will not be discussed, not even his intentions. The point will be whether he is or is not debarred from the exercise, from the capability or the ability to carry out his office constitutionally. Thus, in our view, there is a clear separation between: the institution of accusation under Article 39, No. 1, which involves the participation in or guilt of a constitutional offense; and the fact of inability, of a disability, of incompetence for the exercise of the office which does not include any accusation of deceit or evil intent, and which is limited to proving a fact regarding which there are doubts which should be cleared up.

There is not a duplication of mechanisms to remove the President from office, as might be thought. There are in fact different procedures for different situations. The President of the Republic may seriously violate the Constitution once, twice, or more times, and then he can be accused, and, if he is guilty, he will be removed from office. In the same way, a Governor may commit offenses and suffer the same process with an identical result. A judge may find himself in a similar situation. But, we ask, if that Governor or that Judge do not commit violations of the Constitution one or more times, but rather they do it on a permanent and systematic basis, can it be expected that the decision to remove them from office should go to the Chamber of Deputies and the Senate, or to

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the Court of Justice? Or will the instrument of dismissal of the Governor by the Intendant or the removal of the Judge by the Supreme Court be used as a short and expeditious procedure?

Returning to the case of the President of the Republic, and supposing the same example given for the Governor and the Judge, if the President systematically violates the Constitution, is there need for a lengthy accusation which is dangerous for the Republic, or would it be preferable to declare his disability because he is debarred from the constitutional exercise of his office? This would all depend on the particular case, of course, but this interpretation is logical and fitting.

Three examples will clarify or strengthen the foregoing:

a) The President-Elect must swear or promise to comply with the Constitution in order to take offfice. One cannot conceive of a greater disability for the exercise of his office than the violation of that oath or promise, because it was nothing less than an enabling requirement.

b) It is a disability for the President not to lead the State towards its goal of obtaining the Common Good, in cooperation with the other Organs. If he obstructs, hinders, impedes the carrying out of the functions of the other authorities of the State or invades their powers, he is not adjusting his activities within the framework of the State of Law as he should.

c) If the possibility of dismissal of the President of the Republic should exist only as a consequence of his being found guilty by the Senate, with a majority of 2/3 of its active members, the absurdity would be reached that the Constitution, so zealous of its supremacy, so far-seeing and minutely precise as regards the responsibilities of the authorities, would be abandoned to the whim of one man—the President of the Republic—who could set out to violate it certain of impunity as long as there were not the majority against him required to convict him.

It is clear that other facts which are not related to compliance with the Constitution can constitute the disability. They may be physical or material facts, or moral or intellectual. But if we have referred to the first, it is because of the difficulty or greater doubt which may arise from their interpretation, and we hope to contribute to the dissipation of such doubts.

Any physical or moral fact which renders the President incompetent to direct the destinies of the Government and hence of the State, whether by omission or by negative action, falls within the concept of a disability. The following could be some of the facts, other than violation

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of the Constitution in a systematic and repeated fashion, which constitute a disability: a serious physical illness, incurable and terminal, which prevents him physically from exercising his office; or a mental illness which prevents him intellectually; or moral facts which prevent him from effectively leading the State, because he does not govern, nor administer, nor direct, nor is he obeyed, and his authority is null, giving rise to paralysis in the economic, social, and administrative life of the country.

The National Congress, which has ratified the popular election of the President or has elected him in accordance with the provisions of Articles 64 and 65 of our Constitution, is the proper Organ competent to decide regarding the disqualification of the President of the Republic, when there is doubt regarding the nature and existence of disabilities which debar him from the exercise of his office.

This function, as was stated at the beginning, belongs to it exclusively. But it is competent only when there are doubts regarding the disability, in all of its aspects. It is possible to conceive of cases in which there may not be doubts regarding said disability, and the subrogation will operate directly, without the need for a decision by the National Congress. We can conceive of a situation which the President, himself, may consider as a disability and in which, without having a resignation intervene, he turns the office over to the Vice President and there is tacit consent thereto by the entire National Congress.

Chilean constitutional history, in particular the change from the Constitution of 1833 to that of 1925 in this regard, helps confirm the interpretation of the spirit of paragraph No. 4 of Article 43 of the Constitution. Article 27, formerly 36 in the Constitution of 1833, allowed the decision of the Congress only "when in the cases of Articles 65 and 69 there was a basis for doubt." Article 65 referred to cases of death, acceptance of resignation, or other sorts of absolute disabilities of a President in office; and Article 69 referred to an absolute disability of the President-Elect.

When the reference to specific articles is eliminated, it becomes clear that the authority of the Congress is broadened, because the limitation to use it in the two cases cited disappears, and said authority is broadened by encompassing other motives or situations in addition to those same two cases—present Articles 66, paragraph 2, and 69, paragraph 2—with which it is in complete agreement, but which it also unquestionably goes beyond.

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It is necessary to recognize that, among national authors of treatises and other works, only Professor Alejandro Silva Bascuñán has made a proper study of the precept. This is recorded in his work "Treatises on Constitutional Law", volume III, pages 143 and 144, edited in 1963, a time which, because of the constitutional normality of the country, removes any possibility of entertaining the damaging thought that his interpretation could have been conditioned or influenced by contingent problems, a supposition which, furthermore, would be gratuitous and offensive for such an illustrious teacher. The Professor points out that the disability may be of a physical or a moral nature (thereby agreeing with Mr. Carlos Estévez in his work "Elements of Constitutional Law", page 216), adding the qualification that said disabilities must be "most serious". "Reasons which would justify the bringing of a political suit would simply not be sufficient, unless they are considered to be of such a nature that they would make it impossible to carry out the lengthy process to which such a suit would give rise." "In practice—he adds—this authority thus constitutes a much more rapid and efficient dismissing of the President of the Republic than that which would result from the eventual concluding of a political trial."

We, the undersigned professors, bow, convinced, before these reasonings formulated ten years ago.

It might be that some persons would fear that our "Presidential" system of Government might in this way be transformed into a "Parliamentary" system. We expect this and reply in the negative. The political responsibility of the President, made effective by the National Congress, is the essence of the Republican system.

There would not be a lapse into parliamentarism, since the National Congress, which dismisses officials like the President and the Ministers, does not replace those dismissed officials, as occurs in the Parliamentary System; instead, the possibility opens up for the people to participate in the election of the replacement(s). The cautions of Professor Silva Bascuñán, in the sense that the Congress should make use of this instrument only in very serious or urgent cases, greatly lessen the possibility of abuse of the powers of Congress, which, in modern times when the people are active agents of their own political life, would take a decision of this sort only when public opinion and the Law would support it, and not when a temporary majority, which did not interpret the juridical and political order, might seek to take advantage of a provision of the law. It is the Republic which would demand the use of the authority under reference, and not just a political majority without backing.

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e) Finally, the National Congress can decide affirmatively regarding the incompetence or disability of the President only when his debarment from the exercise of his office makes it necessary to call new elections. This is related to the absolute nature of the disability, which will not cease, and to the occasion, that is, when elections are not to be held in the immediate future, in which case it is the electing public, itself, which replaces the President.

We, the Professors of Constitutional Law who sign this report, feel obliged to record our very sincere thanks and gratitude to the President of the Bar Association and to its General Council, for having given to us the high honor of consulting our views on this subject. We hope that your confidence has not been misplaced.

(Signed): Guillermo Bruna Contreras, Gustavo Cuevas Farren, Professors of Political Theory and Constitutional Law at the Catholic University of Chile; Jorge Guzmán Dinator, Jorge Ovalle Quirós, Professors of Constitutional Law at the University of Chile.

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VI. CONCLUSIONS

- Both the Unidad Popular régime and ex-President Allende himself purposely ignored point 5 of the Statute of Constitutional Guarantees when they openly initiated Marxist political consciousness-raising at all levels of education.

- Education has been the most fertile field for Marxist penetration. This was no exception in Chile. From 1938 to 1970, Marxist penetration was directed especially at the intermediate and university level of education. When Mr. Salvador Allende assumed the presidency, the field of action was broadened to include elementary education.

- The chaos in the country was so great that the Bishops of Santiago, Valparaíso, Linares, Rancagua, San Felipe and Tulca made known publicly on June 6, 1973 their thoughts on the situation in Chile, stating:

> "We are concerned about the course the nation is taking, about the development of events in Chile. We are sorrowful to see long lines of Chileans--millions of man-hours lost each week--suffering the humiliation of living under these conditions. Chile looks like a country afflicted by war.
>
> "We view with anguish the daily-increasing inflation encroaching upon us and the crisis in our economy.

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> "Society cannot build on the principle that we are a body of enemies. Peace will not come through the domination of one group by another. The good of society calls for the contribution and the cooperation of all, and full recognition of all rights. Justice demands it and it is only on justice that peace can be established."

- Peace comes from the harmonization of interests achieved, first, through the action of the President of the Republic and, second, through the implementation of the laws by the judiciary. Consequently, the measures adopted by governments to counteract subversive action are not, nor will they be, inconsistent with respect for human rights and fundamental liberties, since they are closely tied and subservient to the common and collective good.

- The Unified National School system (ENU) pursued the complete and partisan State control of education only as a basic step towards the creation of what was termed "the new Socialist society" and "the new man". Education in the home with the strengthening of the concepts of family, country, and morality, together with other national values were able to save the Chilean people from falling into the clutches of Marxism, as the great majority of students, educators and parents resisted Marxist political consciousness-raising.

- The Unidad Popular administration intended to use as a tool for Marxist ideological indoctrination and the restoration of a police state the difficulties that the régime itself created to the detriment of the people.

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- During the Allende régime plans were drawn up to place the labor unions under State control by making it appear that they would share in running the country. Actually, they were not able to make any important decisions because they were in the minority.

- The "democratic path" as the method used by the Unidad Popular government in Chile was democratic only at the time that political coalition began its accession to power, by means of a relative majority won by its candidate in the elections. After the count was made, the installation of the Marxist-Leninist candidate in the office on President was achieved through political collusion and pressure among the members of Congress, which was not very democratic. After the power play disguised as debate between the Chilean Communist Party and the President already in office, the "democratic path" as a process of transition to socialism in Chile began to show a singular likeness to the Soviet strategy known as "peaceful coexistence", although, in Chile, within a more limited framework in time and space. In both methods the "class struggle" was not discarded but rather, in accordance with the Communist interpretation, they made it more viable and more advantageous. Likewise, in both methods the "armed or violent path" was not discarded. It remained in the realm of possibility, its adoption depending on the existence of conditions favorable to the Communist cause, on the basis of the concept that it was not a question

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of "who is right or wrong but a question of might makes right." Thus, both the "peaceful coexistence" method in the international framework and the "democratic path" method in the national framework tried to avoid armed confrontation (global war or civil war, depending on the case) only while circumstances were not favorable to Communism.

- Political control of the population through economic control was a valued objective pursued by the Unidad Popular régime. This accounted for the accommodating interpretation--"legal loopholes"--of laws on that subject, for the purpose of destroying private enterprise and establishing government control of trade.

- President Allende was not able to harmonize the interests of the parties making up the Unidad Popular government, for each one, trying to get the better of the others, committed acts in violation of the law, in the face of which the President was powerless to impose his authority.

- The black market, which devoured the limited financial means of most of the population, was operated behind the scenes by the political parties making up the Unidad Popular government, for its benefit and for the benefit of its hierarchy, in addition to promoting dark political designs.

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- The economic policy put into practice by the Unidad Popular régime proved the Marxist desire to destroy private financial means in order to institute a "socialist economic system."

- The Unidad Popular administration defrauded the working class by not carrying out various points proclaimed in its political platform, among others that of fighting unemployment (which, after an initial decrease, rose considerably); that of developing a strong and sustained housing program; and that of eliminating the problem of inflation, assuring the people that there would be readjustments to the smallest increase in the cost of living (a promise that was forgotten). We must point out that the housing program also suffered a substantial setback, inasmuch as many projects of the previous government were abandoned or suspended; what the Unidad Popular government did in this field was to distribute plots of land taken by force from privately owned farms in order then to promote the setting up of precarious so-called "shanty towns" without any kind of utilities such as water, electricity or sewers.

- At first glance it seemed that, after the failure of the guerrillas in Latin America, the Marxist-Leninist hierarchy had found in Chile the formula and the appropriate process for assuming power and for turning the democratic State into a socialist State, in a different way

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and even in a way contrary to the tactics which, according to Lenin, were infallible and the only ones to be used to achieve such an end, that is, by force of arms.

- The name that was given to the new process: "Chilean path to Socialism", going hand in hand with an apparent democratic administration, caused many Chileans, although by no means the majority, and many foreigners observing the process, to believe, in good faith, that in Chile there would actually be a people to achieve socialism, by desiring it and consequently voting for it.

- The events that occurred in Chile during the 1970-1973 period, provoked by the Unidad Popular government, served to demonstrate that for the international Marxist-Leninist hierarchy there was, of course, only one kind of communist State and that to achieve it the "new socialist State" must assume the form of the "dictatorship of the proletariat" (to be precise, the dictatorship of the leaders of the Communist Party). To ensure it, the Chilean communist discarded the name of "Chilean path to Socialism" after a year of rule and only permitted in official propaganda the term "democratic path".

- The ideological conflict between President Allende and the Chilean Communist Party (it was not possible to determine whether

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the conflict was genuine or merely a tactic) in connection with the so-called "Chilean path to Socialism" was resolved in favor of international Marxism-Leninism, adhering to the special Communist dialectic. Indeed, the "Chilean path" according to President Allende gave the world a new model of socialism, based on "democracy, liberty, and pluralism", which was interpreted by the Communist Party as being anti-communism and anti-sovietism or else revisionism. Whereupon the Communist Party "convinced" the President of his "erroneous position" by means of the contradictions of Marxist dialectics, equating antagonistic concepts for the purpose of imbuing the concept of the "democratic path" (only accepted expression) with whatever violence was necessary for the transition to socialism through the "dictatorship of the proletariat", which Mr. Allende apparently wished to avoid. Thus, the Chilean Communist Party said, through its theoreticians: "...the dictatorship of the proletariat is a decisive step toward true democracy..."; "...the dictatorship of the proletariat is far more libertarian than the dictatorship of the bourgeoisie."

- The government payroll increased enormously due to the creation of parallel bodies and the obligation on the part of the government to create offices and jobs for the militants of all the parties forming the Unidad Popular.

- Morally, Mr. Allende disqualified himself as the President of the Nation when he said: "I am first a Marxist and then President."

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Because of that statement it can be asserted that he became President of Chile not to serve the interests of the nation but those of foreign doctrines through the members of the Unidad Popular. He said it very clearly when he stated: "I am not the President of all the Chileans. I am the President of the Unidad Popular."

- The degree of politico-social decay in Chile was of such magnitude that the leaders of all political tendencies lost control of the corresponding sectors of the population. Each person did as he thought best.

- The Marxist-Leninist system--characterized by its limiting freedom first and then suppressing it completely--cannot guarantee the freedom and peace of society, inasmuch as the latter are, as they should be, the product of the conscious exercise of individual and collective rights; and never a byproduct depending on the omnipotent directives of the administration in office.

- From the December 23, 1969 issue of the daily newspaper El Siglo, organ of the Communist Party, it may be inferred that one of the singular characteristics of the so-called "Chilean Path to Socialism" would be the enjoyment of ample freedom of expression in Chile. Nevertheless, after the Allende government came to power in 1970 the offensive against freedom of expression began, not

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in a frontal attack but indirectly, in the attempt by the Unidad Popular government to nationalize the paper company called La Papelera as as a means of subjugating the various independent publications by making it difficult for them to obtain paper.

- Freedom can never be achieved by means of subversion--explosion of terrorists' bombs, bank robberies, kidnappings, political assassinations, etc.

- The violation of the moral values of the entire nation was pursued by means of insults to the leaders of the political opposition or those not aligned with the régime and the use of obscenities or the most abject pornography.

- Marxism, in the case of Chile, availed itself of the advantages that democracy offered it and, by exploiting and misusing the democratic freedoms, sought to destroy the institutions inherent in the democratic system.

- The diplomatic representatives of the Communist countries --especially Russia, North Korea, and Cuba--abused, with the complicity of the Unidad Popular régime, the privileges that were usually granted such missions.

- One must not think that the defects from which the democratic

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system suffers in various parts of the world will be overcome by communism (Marxism-Leninism) under the cloak of redeeming socialism in which it disguises itself, first to confuse and then to deceive the great have-not masses.

- As a means to divide the Armed Forces and the Carabineros, the Unidad Popular régime used adulation, offers of better opportunities to some of its members, pointing out the differences between medium-level and high-level officers and listing the social differences between the lower level and the others, inciting them to criticize the orders of their superiors in order to exploit the antagonisms within the military ranks.

- The efforts to divide the military entities were varied; infiltration in order to win over the members directly, demonstrations of strength of paramilitary groups in order to intimidate the military entities, appeals disseminated by radio, television, press (newspapers and magazines), and posters on walls and elsewhere calling on them to "unite with the people."

- The accusations made on August 22, 1973 (See Annex No. 16, IX) by the Chamber of Deputies and on September 7, 1973 (See Annex 16, XI) by professors of constitutional law, implied that there

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were clear bases for the impeachment trial of President Allende or for declaring him unfit, because of his repeated violations of the Constitution which he himself had sworn to uphold.

March 29, 1974

Pedro Medrano Ubiera
Chairman

Sergio Obregón Carrillo
Vice Chairman

Carlos Angulo Rueda

Gustavo Vásconez Vásconez

John Wesley Jones

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